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## CONGRESSIONAL RECORD — SENATE

S 2857

By Mr. BYRD:

S. Res. 400. A resolution to modify section 5 of S. Res. 382, Ninetieth Congress; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. DIXON, Mr. MOYNIHAN, Mr. GRAHAM, Mr. DOMENICI, Mr. DOLE, Mr. WILSON, Ms. MIKULSKI, Mr. KERRY, Mr. SPECTER, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. BENTSEN, Mr. HATFIELD, Mr. PRESSLER, Mr. HEINZ, Mr. COCHRAN, Mr. REID, Mr. HEFLIN, Mr. WEICKER, Mr. GRASSLEY, Mr. RUDMAN, Mr. STEVENS, Mr. INOUE, Mr. TRIBLE, Mr. BINGAMAN, Mr. BREAUX, Mr. SARABANES, Mr. SANFORD, Mr. STENNIS, Mr. PELL, Mr. THURMOND, Mr. NICKLES, Mr. MCCONNELL, Mr. KARNES, Mr. DURENBERGER, Mr. HELMS, Mr. HECHT, and Mr. CRANSTON):

S. 2205. A bill to enact the Omnibus Antidrug Abuse Act of 1988, and for other purposes; to the Committee on the Judiciary.

## OMNIBUS ANTIDRUG ABUSE ACT

Mr. DECONCINI. Mr. President, I rise today to introduce the Omnibus Antidrug Abuse Act of 1988 and do so on behalf of myself, the distinguished Senator from New York, Senator D'AMATO and over 30 of my other colleagues.

Mr. President, the 1986 drug bill was an example of what this Chamber and what this Nation can do when it puts partisan politics aside, rolls up its collective sleeves, and gets serious about the drug problem in this country. Today, the bill that Senator D'AMATO and I are introducing builds on the accomplishments of the 1986 drug bill and goes the next step in mobilizing all elements of our antidrug effort.

Mr. President, there may be a part of the drug plague that we did not attack in this legislation—but there aren't many. This bill represents a balanced, comprehensive assault on the drug threat to this Nation. The bill calls for an additional \$2,448,000,000, over the President's budget request for fiscal year 1989 to beef up: First, law enforcement personnel at our civilian drug enforcement agencies; second, drug interdiction assets for Coast Guard and Customs and other agencies with an interdiction mission; third, Federal prison construction; fourth, State and local narcotics control assistance; fifth, international incentives to promote drug eradication and interdiction at the drug source country level; sixth, treatment and rehabilitation assistance for those who have already fallen victim to the drug menace; and seventh, drug education for our school systems around the Nation.

The bill also opens up the Justice and Treasury Department forfeiture funds so that all of the resources resulting from seizure and confiscation from drug traffickers can be put to use for State and local law enforcement agencies and others who are eligible for such assistance.

The bill includes a tough, new law that attacks the problem of illicit chemical diversion with rigid new penalties for those who use chemicals to manufacture the drugs that are poisoning our youth and ruining lives in this country.

The bill also authorizes funds for additional training of our law enforcement personnel and establishes a new program of research and development at existing Department of Defense and other Federal laboratories, to study new technologies that will help our drug enforcement agencies keep ahead of the sophisticated, well-financed drug smuggler.

And, finally, the bill authorizes the establishment of a nonlegislative Senate Select Committee on Narcotics Abuse and Control that will give us a full-time oversight committee that will review the drug abuse issue and provide advice and counsel to the Senate.

Mr. President, in crafting this legislation, we knew that it would cost money to really launch a full scale assault on the drug problem on multiple fronts. We were aware of the economic budget summit agreement; the Gramm-Rudman-Hollings deficit targets; and the need to try to find offsets for the programs and initiatives contained in this legislation.

So, Mr. President, this bill not only sets out new, aggressive initiatives for tackling the drug enforcement and drug abuse problems, it contains a formula for how we intend to pay for them. Here is how we would pay for the bill:

First, in testimony before my Treasury Appropriations Subcommittee just last Monday, the Commissioner of IRS testified that if we were to add \$286.6 million and approximately 6,800 new positions over the President's budget, the Treasury would receive an additional \$1,120,000,000 over and above the revenue assumptions in the economic budget summit agreement. We would add the additional positions to IRS for increased tax enforcement and deposit the additional revenues generated into a special antidrug abuse trust fund in Treasury. These funds would then only be available to pay for the drug bill.

Second, in response to our inquiry, the Bureau of Alcohol, Tobacco, and Firearms indicated that an additional \$3 million and 40 positions put into aggressive enforcement of the special occupational alcohol tax would generate an additional \$130 million over and above the President's budget for fiscal year 1989. We provide the additional funding and positions in this bill, with the additional revenues going into the new special fund I just mentioned.

Finally, for many years I have been introducing legislation that would force our Federal agencies to be more aggressive in the collection of delinquent debt owed to the Government. I was one of the original cosponsors of Senator CHARLES PERCY's debt collection bill back in 1980 and last year I introduced my own bill, S. 1270 that would provide new incentives and goals for debt collection. The bill that is being introduced today, mandates the collection of \$2 billion over and above the debt collection estimates of the President for fiscal 1989.

We include a new approach to pushing agencies to use all of the tools available to collect the nearly \$29 billion in nontax delinquent debt currently on the books. Under the bill, we would allow an agency to keep a portion of the funds it collects over and above its debt collection target set by the Secretary of the Treasury. On the other hand, if an agency falls short of its target, the President would then propose a rescission of a portion of their funding, based on how short of their goal they fell.

All of the \$2 billion to be collected over and above the President's budget estimates would be deposited into the special antidrug abuse Treasury fund to help pay for the drug bill.

In total, there would be more than enough additional revenues put into the special fund to cover the entire cost of the drug bill for fiscal year 1989, with some left over. So even if our estimates of the aggregate cost of the Omnibus Antidrug Abuse Act of 1988 are off slightly, the special fund would have sufficient resources to cover the bill's price tag. And we would not be violating either the Gramm-Rudman-Hollings targets, or the economic budget summit, or the President's budget.

## CONCLUSION

Mr. President, this is a good bill. It hits the drug problem on many fronts. It is fiscally responsible and pays for itself. And, most importantly, it is needed now. The drug problem has not gone away since 1986. We need to provide this additional muscle to fight the narcotics trafficker—and this bill does that.

Mr. President, I understand that Congressman GLENN ENGLISH will be introducing virtually the same bill later today in the House. I also understand that the Speaker of the House has made a commitment to Mr. ENGLISH that he will attempt to bring up the drug bill before June. That is encouraging, and I hope that the leadership in the Senate will move this legislation to the floor quickly before the summer.

Mr. President, I ask unanimous consent that a copy of the Omnibus Antidrug Abuse Act of 1988 be printed in the RECORD.

Mr. President, I also ask unanimous consent that a detailed summary of

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the bill and a cost breakdown of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Antidrug Abuse Act of 1988".

## SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized as follows:

## TITLE I—DRUG ENFORCEMENT AND PERSONNEL ENHANCEMENT

SUBTITLE A. Asset Forfeiture Fund Amendments Act of 1988.

SUBTITLE B. State and local narcotics control assistance.

SUBTITLE C. Chemical Diversion and Trafficking Act of 1988.

SUBTITLE D. Comprehensive Federal Law Enforcement Officer Improvements Act of 1988.

SUBTITLE E. Deportation of convicted foreign drug inmates.

SUBTITLE F. Customs Enforcement Amendments Act of 1988.

SUBTITLE G. Authorization of additional appropriations for drug enforcement personnel, fiscal year 1989.

SUBTITLE H. Miscellaneous law enforcement provisions.

## TITLE II—INTERNATIONAL NARCOTICS CONTROL AND ASSISTANCE TO FOREIGN COUNTRIES

SUBTITLE A. International drug eradication improvement program.

SUBTITLE B. International narcotics matters improvement and special assistance programs.

SUBTITLE C. Amendments to Foreign Assistance Act of 1961, as amended.

SUBTITLE D. International narcotics matters authorization of appropriations.

SUBTITLE E. Latin American Antidrug Strike Force.

## TITLE III—DRUG INTERDICTION ASSET IMPROVEMENT AND ENHANCEMENT

SUBTITLE A. Coast Guard.

SUBTITLE B. United States Customs Service.

SUBTITLE C. Department of Defense drug interdiction assistance.

SUBTITLE D. Drug Enforcement Administration.

SUBTITLE E. Immigration and Naturalization Service/Border Patrol.

SUBTITLE F. Establishment of Interagency Southwest Border Drug Interdiction Mobile Corridor Task Force.

SUBTITLE G. United States-Bahamas Drug Interdiction Task Force.

SUBTITLE H. Special drug interdiction support.

## TITLE IV—DEMAND REDUCTION

SUBTITLE A. Treatment and rehabilitation.

SUBTITLE B. Alcohol and drug abuse treatment and rehabilitation.

SUBTITLE C. Amendments to the Drug-Free Schools and Communities Act.

## TITLE V—NATIONAL DRUG ENFORCEMENT AGENCY REORGANIZATION AND COORDINATION

SUBTITLE A. Establishment of Office of En-

forcement and Border Affairs in Department of Treasury.

SUBTITLE B. Department of Defense drug interdiction reorganization.

SUBTITLE C. Establishment of a Senate Select Committee on Narcotics Abuse and Control.

## TITLE VI—RESEARCH AND DEVELOPMENT FOR LAW ENFORCEMENT AGENCIES

SUBTITLE A. Establishment of new research and development programs to assist Federal law enforcement agencies.

SUBTITLE B. Cargo container drug detection research and development.

## TITLE VII—DRUG ENFORCEMENT TRAINING IMPROVEMENT

SUBTITLE A. Federal Law Enforcement Training Center Improvement Act of 1988.

SUBTITLE B. Department of Justice Training Facilities Improvement Act of 1988.

SUBTITLE C. Federal Law Enforcement Language Training Improvement Act of 1988.

SUBTITLE D. Authorization of appropriations for special training centers.

## TITLE VIII—DRUG TESTING IN THE PRIVATE SECTOR

## TITLE IX—CONGRESSIONAL POLICY REGARDING ADDITIONAL FUNDING FOR FISCAL YEAR 1989 FOR ANTI-DRUG ABUSE PROGRAMS

## TITLE X—FUNDING; ACCOUNTS

SUBTITLE A. Offsetting Revenues and Savings to Cover the Cost of the Act.

## TITLE I—DRUG ENFORCEMENT AND PERSONNEL ENHANCEMENT

Subtitle A—Asset Forfeiture Fund Amendments Act of 1988

## SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Department of Justice and Department of Treasury Assets Forfeiture Fund Amendments Act of 1988".

## SEC. 102. ASSET FORFEITURE FUNDS.

(a)(1) Notwithstanding any other provision of law, the receipts and disbursements out of the Department of Justice Assets Forfeiture Fund, established by section 524(c)(1) of title 28, United States Code, and the Customs Forfeiture Fund, established by section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b)—

(A) shall not be included in the totals of—  
(i) the budget of the United States Government as submitted by the President; or

(ii) the congressional budget, including allocations of budget authority and outlays provided therein;

(B) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government; and

(C) shall not be included for purposes of calculating—

(i) the deficit under section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)) for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.); or

(ii) the excess deficit for purposes of sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 and 902) for any fiscal year.

(2)(A) Notwithstanding any other provision of law, for purposes of the Congressional Budget and Impoundment Control Act of

1974 (2 U.S.C. 621 et seq.) the Department of Justice, with respect to receipts and disbursements from the Assets Forfeiture Fund, and the United States Customs Service, with respect to receipts and disbursements from the Customs Forfeiture Fund, shall be considered an off-budget Federal entity as such entity is defined under section 3(8) of such Act (2 U.S.C. 622(8)).

(B) Nothing in this subsection may be construed to diminish the oversight authority of the Congress under law with respect to the operations and budget of the Department of Justice or the United States Customs Service.

(C) Amounts to be disbursed out of the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund shall not be subject to limitation by appropriations Acts.

(D) This subsection shall apply to budgets for fiscal years beginning after September 30, 1988.

(3) Section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended by—

(A) striking out "subject to appropriation, during the period beginning on the date of the enactment of this section and ending on September 30, 1991. The fund shall be available" in subsection (a); and

(B) striking out "during the period beginning on the date of the enactment of this section, and ending on September 30, 1987," in subsection (c); and

(C) repealing subsection (f).

(b) Section 524(c)(1) of title 28 of the United States Code is amended by striking out "and" at the end of subparagraph (F), by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; and" and, by inserting the following new subparagraph:

"(H) after all reimbursements and program-related expenses have been met at the end of each fiscal year, the Attorney General shall transfer deposits from the Assets Forfeiture Fund to the Building and Facilities account of the Federal prison system for the construction of correctional institutions, and to the Support of United States Prisoners in non-Federal Institutions account of the Department of Justice for payments authorized by the Attorney General or his designee under contracts and cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bedspace for Federal detainees within that correctional system. The Attorney General shall report to the appropriate committees of the Congress any amount proposed to be transferred under this subparagraph."

(c) Amounts proposed for transfer pursuant to subsection (a) shall be transferred only upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate and approval under said Committees' policies concerning the reprogramming of funds.

(d)(1) Section 524(c)(1)(A) of title 28, United States Code, is amended by inserting immediately before the semicolon at the end thereof a comma and the following: "and the Attorney General may exempt the procurement of supplies and services under the fund from section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 and following), and other provisions of law as may be necessary to maintain the securi-

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ty and confidentiality of related criminal or civil investigations".

(2) In the administration of the Customs Forfeiture Fund, the Commissioner of Customs may exempt the procurement of supplies and services under such Customs Fund from section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251), and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal or civil investigations.

#### SEC. 103. RESTORATION OF EQUITABLE SHARING PROVISIONS.

Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by—

(1) redesignating paragraph (2) as paragraph (3); and

(2) inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General shall ensure the equitable transfer pursuant to paragraph (1)(A) of any forfeited property to the appropriate State and local law enforcement agency or prosecutor's office so as to reflect generally the contribution of any such agency or prosecutor's office participating directly in any of the acts which led to the seizure or forfeiture of such property or prosecution of any underlying criminal case or forfeiture action."

#### Subtitle B—State and Local Narcotics Control Assistance Act of 1988

#### SEC. 110. DECLARATION AND PURPOSE.

(a) Congress finds that this Nation is engulfed in an epidemic of drug abuse that is threatening our country's productivity and, in particular, the minds and future of our youngest citizens. Throughout the past decade, trends in trafficking and abuse patterns have necessitated a new response—one that is the product of a nationwide strategy that is not limited by jurisdictional boundaries and single constituency interests. The absence of legislatively mandated or policy driven targeting of resources and energy will sustain a scattered approach to a drug abuse problem which, by its nature, demands a concerted, coordinated attack.

(b) Congress further finds that State and local governments are critical participants in a national effort to reduce the demand for and stem the distribution of drugs in this Nation.

(c) It is therefore the declared policy of the Congress to initiate a new national strategy to curb drug abuse in the United States that makes full use of the energy and expertise of State and local units of government.

(d) It is the purpose of this subtitle to empower States to address their own jurisdictional drug control problems while, simultaneously, supporting national drug control priorities and objectives. Congress finds that enhanced national attention, and thus resources provided under this subtitle, are required in the areas of (1) generation and linkage of intelligence information and systems; (2) coordination of effort at the Federal, State, and local levels of government; (3) model legislation enacted on a nationwide basis; (4) strategic drug control planning and policy that integrates education, prevention, treatment, enforcement, prosecution, and corrections in a systemwide approach; (5) standardization of data collection systems; and (6) technological and operational advancements.

#### PART A—ESTABLISHMENT OF THE BUREAU OF JUSTICE ASSISTANCE

##### SEC. 111. BUREAU OF JUSTICE ASSISTANCE.

Section 401 of part D of title I of the Omnibus Crime Control and Safe Streets Act of

1968 (42 U.S.C. 3741) is amended to read as follows:

"There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Assistance (hereinafter referred to in this part and part D as the "Bureau"). The Bureau shall be headed by a Director (hereinafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this or such parts."

##### SEC. 112. DUTIES AND FUNCTIONS OF THE DIRECTOR.

The Director of the Bureau of Justice Assistance (hereinafter in this subtitle referred to in this title as the "Director"), in addition to his duties under part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, shall—

(1) provide funds to eligible States, units of local government, and private nonprofit and public organizations pursuant to this subtitle;

(2) after consultation with Federal, State, and local drug control agencies, develop an annual State and Local Strategic Drug Control Plan that integrates priorities and critical needs of Federal, State, and local drug control; and

(3) publish and disseminate information on the condition and progress of drug control activities at the Federal, State, and local levels, with particular attention to programs and intervention efforts demonstrated by assessments to be of value in an overall national strategy.

##### SEC. 113. STATE AND LOCAL COORDINATION.

To assure that all Federal assistance to State and local drug control programs is carried out in an efficient manner, the Bureau of Justice Assistance (hereinafter referred to in this title as the "Bureau") is authorized to coordinate activities and request any Federal department or agency to supply such statistics, program reports, and other material as the Bureau deems necessary to carry out its functions under this subtitle. Each such department or agency is authorized and directed to cooperate with the Bureau and, to the extent permitted by law, to furnish such materials to the Bureau. The Bureau shall—

(1) ensure a fully coordinated effort toward a national drug control strategy involving drug control departments, agencies, and boards at the Federal, State, and local levels of government;

(2) serve as the coordinating Federal agency for the submission of a single application for all State and local grant-in-aid programs under the Antidrug Abuse Act of 1986; coordinate the application requirements with each of the Federal agencies involved to allow for one State document that represents a statewide drug control strategy incorporating all drug control elements (e.g., prevention, education, enforcement, treatment). Such single State submission is intended to meet the requirements of the Departments of Education, Health and Human Services, Justice, and any other Federal agencies providing financial or technical assistance and intergovernmental fiscal transfers; and

(3) consider the priorities of and maintain liaison with Federal agencies having drug

control authority to assure a coordinated placement and implementation of major programs to the initiated.

#### PART B—DRUG CONTROL FORMULA GRANT PROGRAM

##### SEC. 114. GRANTS.

It is the purpose of this part to encourage the implementation of a nationwide and multilevel drug control strategy through the development of programs and projects which will assist multijurisdictional and multi-State in the drug control problem and support national drug control priorities. It is not the intent of Congress to restrict the use of programs at the State and local level, but to encourage a systematic approach to a national strategy which will involve all participants working toward a similar goal. Grants may be made for additional personnel, equipment, facilities, personnel training, and supplies. The Bureau is authorized to make grants to States having statewide drug control strategies approved by the Bureau for:

(1) Zero Tolerance Enforcement Programs that effect heightened public awareness of and support for local drug control enforcement projects such as drug specific (e.g., gang targeted, organized crime) task forces, street sweeps, and special projects for high visibility crime areas.

(2) Multi-Jurisdictional Task Force Programs that integrate the resources and knowledge of Federal, State, and local drug law enforcement agencies for the purpose of enhancing interagency coordination and facilitating multijurisdictional investigations.

(3) Precursor Control Programs designed to prevent major precursor chemicals from reaching clandestine laboratories, including recordkeeping systems, monitoring procedures, and model legislation such as that enacted by the States of Arizona, California, Nevada, and Texas.

(4) Pharmaceutical Diversion Programs directed at the licensing, regulation, and investigation of practitioners registrants, including Schedule 2 triplicate prescription programs and enactment of model legislation.

(5) Law Enforcement Demand Reduction Programs that increase the participation of drug law enforcement officers in drug abuse prevention programs, such as the Law Enforcement Explorers Program, Sport Drug Awareness Program, and Drug Abuse Resistance Education (DARE).

(6) Countermeasures Threat Analysis Programs that address the technological capabilities of drug traffickers, the threat that such technology poses to the safety and effectiveness of drug law enforcement officers, and responses to the threat, including nationwide threat assessments, and technology development projects.

(7) Clandestine Laboratory Programs that enhance the investigative capabilities of State and local officers, and provide certified training and equipment necessary to ensure the safety of State and local personnel who seize and enter clandestine laboratories.

(8) Drug Control Law Enforcement Training Programs that enhance the technical capabilities of State and local drug control personnel.

(9) Multi-Jurisdictional Intelligence and Data Sharing Programs designed to effect the linkage of regional intelligence systems, standardize data reporting systems, and increase multijurisdictional access to nationwide data bases.

(10) Domestic Cannabis Programs that target major financiers, cultivators, and distributors, and that provide the resources

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and training that are essential for effective State and local eradication efforts.

(11) Financial Investigative Programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the enactment of model legislation, financial investigative training, and financial information sharing systems.

(12) Drug Control Innovative Enforcement Programs which will demonstrate new and different approaches to drug control activities. Each project shall contain an evaluation component and the results of such will be provided to the Bureau. Up to 10 per centum of the total enforcement projects may be used for this program.

(13) Model Drug Control Legislation Programs that encourage State adoption of model legislation in areas such as money laundering, activities under chapter 96 of title 18, United States Code, electronic surveillance, asset seizure and forfeiture, grand jury powers, schoolyard violators, criminal organization use of juveniles, mandatory and enhanced sentencing.

(14) Drug Control Prosecution Training Programs to develop and conduct training projects designed to enhance prosecutorial expertise in the prosecution of complex drug conspiracy cases, including search warrant preparation, asset seizure and forfeiture (for both prosecutors and investigators), grand jury presentations, case preparation and presentation, and electronic surveillance utilization.

(15) For use in States that have the authority to undertake prosecutions but lack the necessary resources to initiate activities under those statutes, Combined Prosecution and Law Enforcement Investigative Programs to develop enforcement and prosecution projects to assist State and local law enforcement agencies to use existing State laws specifically targeted toward narcotics trafficking conspiracies and offenders.

(16) Corrupt Public Officials Programs that give priority attention to any case involving drug-related official corruption. This program is consistent with the zero-tolerance approach to drug control and can enhance public confidence thereby increasing support for drug control law enforcement efforts.

(17) State and Local Laboratory Programs that enhance existing forensic laboratories through the use of additional personnel, equipment, facilities, training, and supplies. Projects will standardize reporting drug control data and intelligence information on a nationwide basis as well as reports to prosecutors, thus reducing the court time for laboratory personnel.

(18) Prosecutor Resource Enhancement Programs that enhance existing prosecutor services resulting from an expanded caseload of drug control cases. Projects will improve case management through the use of additional personnel (e.g., prosecutors, investigators), management information systems, and programs such as career criminal targeting, and accelerated prosecutions.

(19) Drug Control Innovative Prosecution Programs which will demonstrate new and different approaches to drug control activities. Each project shall contain an evaluation component and the results of such will be provided to the Bureau. Up to 10 per centum of the total prosecution projects awarded may be used for this program.

(20) Judicial Resource Enhancement Programs that enhance existing court resources resulting from an expanded caseload of drug control cases. Projects may include additional judges and supporting staff, equipment, and facilities.

(21) Judicial Drug Control Training Programs that are designed to enhance the

technical expertise of judicial personnel in drug control cases.

(22) Pre-Trial Drug Control Testing Programs that provide urinalysis testing as a pretrial device for providing drug-use data to courts. Projects can provide jail space by continued monitoring of nondetained individuals.

(23) Drug Control Innovative Adjudication Programs which will demonstrate new and different approaches to drug control activities. Each project shall contain an evaluation component and the results of such will be provided to the Bureau. Up to 10 per centum of the total judicial projects awarded may be used for this program.

(24) Intensive Supervision Programs which reduce drug use and criminal activities through intensive probation. Project elements may include surveillance, urinalysis, and treatment standards. Treatment Alternatives to Street Crime projects may be funded under this program.

(25) Jail Treatment Programs which identify drug abusing offenders and initiate appropriate treatment while incarcerated (pre- and post-trial), and coordinate with community treatment providers for inmates upon release.

(26) Prison Treatment Programs which provide a continuum of treatment services to the drug dependent offender. Projects may include a range of treatment modalities such as therapeutic communities, drug resource centers, drug education projects, and self-help groups.

(27) Drug Treatment for Youthful Offenders Programs which address the needs of the youthful offenders. Projects may include special intensive efforts or projects conducted in coordination with educational institutions.

(28) State Corrections Policy Groups and Sentencing Commissions dealing with long-range State corrections strategies and national sentencing structures for both drug related and other crimes.

(29) Enhancement of Indicator Systems Programs which collect and disseminate data regarding drug use, availability, and other drug trend information vital to the effective planning and intelligence. This may include criminal history and transactional information systems.

(30) Statewide and National Intelligence Systems Programs which collect, disseminate, and use investigative or intelligence information for drug control enforcement activities. Emphasis of these projects shall be the sharing of information at Federal, State, and local levels of government.

(31) Drug Control Evaluation Programs which the State and local units of government may utilize to evaluate programs and projects directed at State drug control activities.

## SEC. 115. STATE DRUG CONTROL OFFICES.

The chief executive officer of each participating State and territory shall designate a State drug control office for the purpose of—

(1) preparing an application to obtain funds under this part; and

(2) administering funds received from the Bureau, including receipt, review, processing, monitoring, progress, and impact reporting, financial report review, technical assistance, grant adjustments, accounting, auditing, and funds disbursements.

## SEC. 116. STATE DRUG CONTROL BOARDS.

The chief executive officer of each participating State and territory shall establish or designate and maintain a State Drug Control Board for the purpose of—

(1) analyzing the drug control problems within the State based on data, information, and intelligence from all eligible jurisdic-

tions and State agencies and establishing Statewide drug control priorities based on such;

(2) preparing a statewide drug control strategy reflecting the State's drug control problems, an assessment of current activities, coordination requirements, resource needs, and the statewide goals, objectives, priorities, and projected programs and projects;

(3) receiving, reviewing, and approving (or disapproving) applications from State agencies and units of local government;

(4) preparing an annual report for the chief executive of the State and the State legislature containing an assessment of the State drug control program developed under this part, for submission to the Bureau; and

(5) assuring fund accountability, auditing, and evaluation of programs and projects funded under this part to assure compliance with Federal requirements.

## SEC. 117. MEMBERSHIP OF THE STATE DRUG CONTROL BOARDS.

The State Drug Control Board shall be subject to the jurisdiction of the chief executive of the State who shall appoint the board members, designate a chairman and provide staff to serve the board. The board should be broadly representative of the State's drug control community, with representatives from disciplines such as drug enforcement, prosecution, courts, corrections, treatment, education, and prevention, including private treatment providers.

## SEC. 118. LOCAL DRUG CONTROL OFFICES.

The State drug control office shall assure that local units of government for metropolitan areas (primary metropolitan statistical areas as defined by the Bureau of the Census) or any contiguous combination of such (both interstate and intrastate), having a population of 500,000 or more, are permitted to establish a local office for the purpose of preparing and coordinating drug control strategies and implementing the provisions of this part at the local level of government. The chief executive of an eligible jurisdiction as defined above shall create or designate an office for the purpose of preparing and developing an areawide drug control strategy and assuring that such strategy complies with the Federal and State requirements, to include fund accounting, auditing, and evaluation of programs and projects to be funded under this part. Where an eligible jurisdiction chooses not to form a local drug control office, it shall be treated as all other jurisdictions within the State.

## SEC. 119. LOCAL DRUG CONTROL BOARDS.

Each eligible jurisdiction shall establish or designate a local drug control board for the purpose of—

(1) analyzing the drug control problems within the jurisdiction based on data, information, and intelligence from all eligible units of local government and establishing jurisdictionwide drug control priorities based on such;

(2) preparing a jurisdictionwide drug control strategy reflecting the jurisdiction's drug control problems, an assessment of current activities, coordination requirements, resource needs, and the jurisdiction's goals, objectives, priorities, and projected programs and projects;

(3) receiving, reviewing, and approving (or disapproving) applications from units of local government; and

(4) preparing an annual report for the chief executive of the jurisdiction and the State office (or offices in the case of metropolitan areas or State boundaries) containing an assessment of the drug control program developed under this part.

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## SEC. 120. MEMBERSHIP OF LOCAL DRUG CONTROL BOARDS.

(a) The Local Drug Control Board shall be subject to the jurisdiction of the chief executive who shall appoint the members and designate the chairman. The Board shall be representative of the drug control community, with representatives from disciplines such as drug enforcement, prosecution, courts, corrections, treatment, education and prevention, including private treatment providers.

(b) In the case of an eligible jurisdiction being formed by a combination of jurisdictions, the membership of the Board shall be jointly appointed in such a manner as the chief executive of each unit of local government shall determine by mutual agreement. Decisions made by the Board pursuant to this part may be reviewed and either accepted or rejected by the chief executive of the jurisdiction, or a combination of jurisdictions in such a manner as the chief executive of each unit of local government shall determine by mutual agreement.

## SEC. 121. NATIONAL DRUG CONTROL ASSISTANCE COORDINATION BOARD.

The Bureau shall establish a National Drug Control Assistance Coordination Board, which will provide for the representation of drug control agencies at the Federal, State, and local levels for the purpose of articulating national drug control priorities, programs, and resource needs. The Bureau is directed to prepare a National Strategic Drug Control Plan which will target critical drug control problems and lead to a National Drug Control Strategy that will integrate Federal, State, and local drug control priorities.

## SEC. 122. BOARD MEMBERSHIP.

(a) The Board shall consist of twenty members representing State and Federal agencies having responsibilities for drug control activities. Each of the five national regions would appoint two representatives to the Board and the appropriate Federal agencies would appoint the remaining ten members. The ten Federal appointees shall be approved by the Attorney General. The Director will serve as the Board Chair.

(b) The Bureau shall develop all rules and procedures, provide staff services and the financial resources required by the Board.

## SEC. 123. STATE APPLICATION.

(a) To request funds under this part, the chief executive officer of the State shall submit to the Bureau an application, at such time and in such form as the Director may require. No State application shall be approved unless it includes—

(1) a statewide strategy for drug control. The strategy must contain (A) a definition and analysis of the drug problem in the State, and an analysis of that problem in each of the major cities and counties with major drug control problems; (B) an assessment of the efforts existing as of the time of the application to address the drug control problem at the State and local level; (C) coordination requirements; (D) resource needs; (E) the establishment of Statewide priorities for drug control activities and programs; and (F) an analysis of the relationship of the proposed State efforts to the national drug control strategy;

(2) the following certifications and assurances signed by the chief executive or his authorized representative:

(A) a certification that Federal funds made available under this part will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for drug law enforcement activities;

(B) a certification that funds required to pay the non-Federal portion of the costs of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for drug law enforcement by the recipients of grant funds;

(C) an assurance that the State application described in this part, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this part, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted);

(D) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood community groups; and

(E) an assurance that following the first fiscal year covered by an application and for each fiscal year thereafter, a performance evaluation and assessment report concerning the activities carried out pursuant to this part will be submitted to the Bureau; and

(3) a provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records that the Bureau shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds received under this part.

(b) The data requirements on which the statewide strategy is based shall be developed by the Bureau and provided to each State for the purpose of assuring a unified national data reporting system.

## SEC. 124. GRANT LIMITATIONS.

(a) Not more than 20 per centum of a grant made under this part may be used for costs incurred to administer such grant by the State and local offices. The State is authorized to use up to 10 per centum as administrative funds and the local offices are authorized to use up to 10 per centum as administrative funds. If not used for administrative purposes at the local level, such funds must be used for the purpose contained in part B.

(b) States are authorized to use part B funds for the expenses associated with participation in the State and Local Task Force Program established by the Drug Enforcement Administration.

(c) The State shall provide to metropolitan area(s), of the pass-through formula, a per centum not less than the per centum which the population (500,000 or more) is to the total population of the State.

(d) The State shall make available such funds to eligible metropolitan area(s) within 30 days after the Bureau's approval of the State application.

## SEC. 125. MATCHING FUNDS.

(a) The non-Federal portion of the cost of the programs or projects authorized by part B of this subtitle shall be in cash.

(b) Any Federal grant made under this part shall cover up to 100 percent of the cost of the programs and projects authorized by this part for the first year in which a grant is approved; up to 90 percent of the cost of the programs and projects authorized by this part for the second year of such grant; and up to 75 percent of the cost of the programs and projects authorized by this part for the third year of such grant.

## SEC. 126. REVIEW OF STATE APPLICATIONS.

(a) The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

(1) the application and amendment thereto is consistent with the requirements of this part;

(2) the statewide strategy is in accordance with the Bureau's guidelines, representative of statewide priorities and the priorities of all eligible jurisdictions, represents a sincere attempt on the part of the applicant to control drug trafficking and abuse and clearly represents an interest by the applicant to cooperate with other States and jurisdictions relative to drug control; and

(3) the application and any amendment have been reviewed in accordance with this part and that an affirmative finding has been made, in writing, that the application, strategy, and programs and projects are representative of the broad priorities and resource needs of the State and eligible jurisdictions encompassed by the strategy.

(b) Each application or amendment made and submitted for approval to the Bureau pursuant to this part shall be deemed approved, in whole or in part, by the Bureau not later than 60 days after first received, unless the Bureau informs the applicant of specific reasons for disapproval prior to the expiration of such 60-day period.

(c) Grant funds awarded under this part shall not be used for land acquisition or construction projects.

(d) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Bureau under this part without first affording the applicant reasonable notice and opportunity for reconsideration.

## SEC. 127. ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS.

(a) Of the total amount appropriated for this part in any fiscal year, 80 per centum shall be set aside for the formula grant program and allocated to States as follows:

(1) \$500,000 shall be allocated to each of the participating States and territories; and

(2) of the total funds remaining after the allocation under the above paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such States bears to the population of all the States.

(b)(1) Each State which receives funds under subsection (a) of this section in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such States, for the purposes specified in the formula grant program, that portion of funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

(2) Any funds not distributed to units of local government under paragraph (b)(1) shall be available for expenditure by the State involved.

(3) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year is not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

(c) No funds allocated to a State under subsection (a) or received by a State for dis-



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tribution under subsection (b) may be distributed by the Bureau or by the State involved for any program other than a program contained in an application.

(d) If the Bureau determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under the formula grant program, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Bureau to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

(e) Any funds allocated under subsection (a) that are not distributed under this section shall be available for obligation under part C of this subtitle.

#### PART C—DRUG CONTROL DISCRETIONARY GRANT PROGRAM

##### SEC. 128. PURPOSE.

It is the purpose of this part to provide for the direct funding of projects to improve and strengthen the drug control and related criminal justice support activities at the State and local levels.

##### SEC. 129. PURPOSE OF GRANTS.

The Bureau is authorized to develop programs and make grants to public agencies and private nonprofit organizations for technical assistance, training, national scope and demonstration projects in support of any of the purposes (or groups of purposes) specified in part B of this subtitle, and any purpose contained in the strategic drug control plan developed by the Bureau. The Director shall have final authority over all grants awarded under this part. In developing Discretionary Grant programs, the Bureau shall insure a balance between the various components of the criminal justice system and drug treatment and rehabilitation agencies. Discretionary funds may be used as incentives to develop programs in the weaker elements of the statewide drug control strategies. Because of the crisis facing State and local corrections, the Director shall insure adequate attention to this component, as well as support for corrections-based drug treatment and rehabilitation programs.

##### SEC. 129A. GRANTS.

(a) A grant authorized under this part may be up to 100 per centum of the total cost of each project for which the grant is made.

(b) Grant funds awarded under this part shall not be used for land acquisition or construction projects.

##### SEC. 129B. APPLICATION REQUIREMENTS.

(a) No grant may be made under this part unless an application has been submitted to the Bureau in which the applicant—

(1) sets forth a program or project which is eligible for funding pursuant to this subtitle;

(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out; and

(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals; and

(4) agrees to conduct such evaluation according to the procedures and terms established by the Bureau.

(b) Each applicant for funds under this part shall certify, in a form acceptable to the Director, that—

(1) the program or project meets all the requirements of this part;

(2) all of the information contained in the application is correct; and

(3) the applicant will comply with all of the provisions of this part and all other applicable Federal laws.

##### SEC. 130. ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS.

(a) Of the total amount appropriated for this subtitle in any fiscal year, 20 per centum shall be reserved and set aside for this part.

(b) Of the total amount appropriated for this subtitle in any fiscal year, 20 per centum shall be made available to metropolitan areas and consolidated jurisdictions of populations in excess of 500,000 for the purpose of assisting the State in providing a comprehensive drug control program in an area determined to have an extensive drug control problem.

(c) Each State shall indicate the need for such funds through the submission of the State strategy and application. The Bureau will evaluate the strategy to determine those major cities with the most critical drug control problems, including the resources to be committed by the State and local units of government, and the planned activities for drug control. After site selections are made, the Bureau shall request formal applications.

(d) Of the total amount appropriated for this part in any fiscal year, 5 per centum shall be made available for the purpose of evaluation of programs and projects contained in this subtitle.

##### SEC. 131. PERIOD OF AWARD.

The Bureau may provide financial aid and assistance to programs and projects under this part for a period not to exceed 3 years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to 2 years if—

(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals and offers the potential for improving the drug control problem; and

(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from formula grant funds or from any other source of funds.

#### PART D—TARGETED STATE AND LOCAL STRATEGIC DRUG CONTROL PLAN

##### SEC. 132. LOCAL PRIORITIES AND PROGRAMS.

It is the intent of this part to establish an ongoing process for integrating Federal, State, and local priorities and programs.

##### SEC. 133. PLAN.

(a) The Bureau is directed to complete an annual National Strategic Drug Control Plan which targets the most critical drug control problems that are most effectively resolved at the State and local levels.

(b) Such plan shall be developed by the Bureau in consultation with the State Drug Control Boards and those Federal agencies and boards authorized to engage in drug control programs including, but not limited to, the Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Customs, Department of the Treasury, Department of Defense, Department of Education, Department of Health and Human Resources, and the Department of Justice and agencies thereof.

(c) Each annual plan shall include an assessment of the current drug control problem, emerging trends, critical response areas, resource assessment, coordination requirements, and objectives for the next fiscal year.

(d) Such plan shall effect the coordination of resources and strategies at the Federal, State, and local levels culminating in a

“blueprint” for action involving the Congress, the Executive Branch, and Federal drug control agencies in total cooperation with units of State and local government.

#### PART E—MISCELLANEOUS AMENDMENTS TO JUSTICE ASSISTANCE ACT OF 1984

##### SEC. 133A. AMENDMENTS TO 42 U.S.C. 3769 CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.

(a) The heading for part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3799) is amended by deleting “Pilot”.

(b) Section 602(a)(1) of part F of such Act (42 U.S.C. 3769a) is amended by deleting “, with the concurrence of the Director of the National Institute of Corrections established in chapter 315 of title 18, United States Code.”

(c) Section 603(b)(1)(B) of part F of such Act (42 U.S.C. 3769b) is amended by deleting “20” and inserting in lieu thereof “80”.

(d) Section 603(c) of part F of such Act (42 U.S.C. 3769b) is amended by deleting “20” and inserting in lieu thereof “80”.

#### PART F—ADMINISTRATIVE PROVISIONS

##### SEC. 134. RULES; REGULATIONS.

The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this subtitle.

##### SEC. 135. DOCUMENTS.

The Bureau shall, within 120 days following the date of the enactment of this Act, prepare both a “Program Brief” and “Implementation Guide” documents for each of the programs and projects contained in the formula grant program.

##### SEC. 136. FUNCTIONS NOT TO BE TRANSFERRED.

The functions, powers, and duties specified in this subtitle to be carried out by the Bureau shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress by law.

##### SEC. 137. REIMBURSEMENTS.

The Bureau may arrange with and reimburse other Federal departments and agencies for the performance of functions under this subtitle only if the funds are to benefit the units of State or local government. Funds under this subtitle shall not be used to supplement the budgets of other Federal departments and agencies.

##### SEC. 138. OFFICERS; EMPLOYEES.

Subject to the civil service and classification laws, the Bureau is authorized to select, appoint, employ, and fix the compensation of such officers and employees as shall be necessary to carry out its powers and duties under this subtitle.

##### SEC. 139. PROGRAM AND PROJECT EVALUATION.

(a) The Bureau shall provide for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State strategy, and their effectiveness in reducing drug control problems. State and local units of government shall evaluate a reasonable number of programs and projects to be determined, and to provide such results to the Bureau.

(b) The Bureau shall set aside 5 per centum of part C funds for the purpose of evaluation of programs and projects in part B and part C and the effectiveness of State strategy development and implementation in selected States. Such results shall be included in the State and Bureau reports.

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## SEC. 140. STATE PROGRAM AND PROJECT REPORTS.

(a) Each State which receives a grant under part B of this subtitle shall submit to the Bureau, for each year in which any part of such grant is expended by a State or local unit of government, a report which contains—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under this subtitle;

(2) a summary of activities carried out in such year with any grant received under part C of this subtitle by such State;

(3) the evaluation result of programs and projects; and

(4) such other information that the Bureau may require.

(b) The report required by subsection (a) shall be submitted in such a form and by such time as the Bureau may require.

## SEC. 141. BUREAU PROGRAM AND PROJECT REPORTS.

(a) Not later than 180 days after the end of each fiscal year for which grants are made under part B and part C of this subtitle, the Director shall submit to the Speaker of the House and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of grants made under parts B and C of this subtitle to such State for such fiscal year;

(2) the amount of such grants expended for each of the programs specified in part B;

(3) a summary of the information provided by the States required by this part; and

(4) evaluation results of programs and projects and State strategy implementation.

(b) Such report shall, in addition, be submitted by the Director to the Committees on Appropriations of the House and Senate; and the Committees on the Judiciary of the Senate and the House for review.

## SEC. 142. EXPENDITURE OF GRANTS; REPORTS.

(a) A grant made under part B of this subtitle may not be expended for more than 60 per centum of the costs of the identified uses, in the aggregate, for which such grant is received to carry out any purpose specified in part B, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 per centum of such costs. The non-Federal portion of the expenditures for such uses shall be paid in cash.

(b)(1) Each State which receives a grant under part B of this subtitle shall keep, and shall require units of local government which receive any part of such grant, to keep, such records as the Director may require to facilitate an effective audit.

(2) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States, which receive grants, and of units of local government which receive any part of a grant made under part B, if in the opinion of the Director or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

## PART G—FUNDING

## SEC. 143. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, to carry out the grant programs authorized under this subtitle, \$250,000,000 for the fiscal year ending September 30, 1989; \$500,000,000 for the fiscal year ending September 30, 1990, of which up to 50 percent shall be used to continue the programs and projects for which grant funds were award-

ed in fiscal year 1989; and \$750,000,000 for the fiscal year ending September 30, 1991, of which up to 50 percent shall be used to continue the programs and projects for which grant funds were awarded in fiscal years 1989 and 1990.

## SEC. 144. AUTHORIZATION OF ADDITIONAL PERSONNEL TO IMPLEMENT THE STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT OF 1988.

There is authorized to be appropriated, \$5,000,000 in fiscal year 1989 for salaries and expenses of the Bureau of Justice Assistance: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or as provided in any regular appropriation Act or continuing resolution for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to hire an additional 96 fulltime equivalent positions and shall be used by the Bureau of Justice Assistance only for the purposes of carrying out the State and Local Narcotics Control Assistance Act of 1988, as authorized under this subtitle.

## PART H—RELATIONSHIP WITH THE JUSTICE ASSISTANCE ACT OF 1984

## SEC. 145. ADMINISTRATION OF FUNDS.

(a) The Bureau of Justice Assistance shall administer any funds available to it under the Omnibus Crime Control and Safe Streets Act of 1968 in such a manner as to compensate for the quantum increase in cases resulting from apprehensions and accelerated prosecution of persons accused of drug trafficking, possession, and related offenses. Such concentration of resources is intended to support the use of proven successful programs of such Act for courts and corrections agencies in processing drug cases and offenders.

(b) State, metropolitan, and other jurisdictions are encouraged to participate in funding under such Act and to integrate use of these monies with funds allocated under their drug statewide strategy in such a manner as to assure the smooth functioning of criminal justice administration in these jurisdictions.

(c) The applicable program and project matching requirements of the Omnibus Crime Control and Safe Streets Act of 1968, currently set at 50 percent State/local, shall, on and after the effective date of this section, be the same as the 3-year sliding scale of increasing State and local contribution established under section 127 of part B of this subtitle.

## Subtitle C—Chemical Diversion and Trafficking Act of 1988

## SEC. 154. SHORT TITLE.

This subtitle may be cited as the "Chemical Diversion and Trafficking Act of 1988".

## SEC. 155. PRECURSOR CHEMICALS AND ESSENTIAL CHEMICALS.

Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended to read as follows:

## "PRECURSOR CHEMICALS AND ESSENTIAL CHEMICALS

"SEC. 310. (a)(1)(A) Except as provided under paragraph (3), any person who manufactures, distributes, imports or exports a substance listed under subsection (d) shall maintain records and make reports as the Attorney General may by regulation require concerning the distribution, receipt, sale, importation or exportation of the listed substances.

"(B) Records required by this paragraph—  
"(i) shall be in a form that is readily retrievable from ordinary business records; and

"(ii) shall be kept and made available for inspection and copying by officers or employees of the United States authorized by the Attorney General, with regard to substances listed in subsection (d)(2), for 2 years and, with regard to substances listed in subsection (d)(1), for no less than 2 years and no more than 5 years as determined by regulation of the Attorney General.

"(C) In establishing regulations concerning required records and reports under this paragraph, the Attorney General may establish a threshold quantity for record-keeping and reporting requirements for each listed chemical. Reports required by the Attorney General shall be limited to those necessary for the effective implementation of this title, such as reports of suspicious purchases.

"(D) The Attorney General may include in the information required to be maintained or reported under this paragraph the following:

"(i) The quantity, form, and manner in which, and date on which, the substance was distributed, imported or exported.

"(ii)(I) In the case of the distribution or exportation to an individual, the name, address, and age of the individual and the type of identification presented to establish the identity of the individual.

"(II) In the case of the distribution or exportation to an entity other than an individual, the name and address of the entity and the name, address, and title of the individual ordering or receiving the substance and the type of identification presented to establish the identity of the individual and of the entity.

"(2)(A) Except as provided under paragraph (3), no person may distribute a substance listed under subsection (d) unless the recipient or purchaser presents to the distributor a certification of lawful use and identification in order to establish the identity of the recipient or purchaser (and any entity which the recipient or purchaser represents).

"(B) The certification of lawful use and identification shall be of such a type as the Attorney General establishes by regulation.

"(3) Under such conditions and to such extent as the Attorney General establishes, paragraphs (1) and (2) shall not apply to—

"(A) the distribution of listed substances between agents or employees within a single facility (as defined by the Attorney General), if such agents or employees are acting in the lawful and usual course of their business or employment;

"(B) the delivery of listed substances to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business; but where such carriage or storage is in connection with the distribution, importation, or exportation of substances to a third person, this subparagraph shall not relieve the distributor, importer, or exporter from compliance with paragraph (1) or (2);

"(C) any distribution, importation, or exportation with respect to which the Attorney General determines that the reports or records required by paragraph (1) or the presentation of identification or certification required by paragraph (2) is not necessary for the enforcement of this subchapter; or

"(D) any distribution, importation, or exportation of any drug product which contains a listed substance and which can be lawfully marketed or distributed in the United States under the provisions of the Food, Drug, and Cosmetic Act.

"(b) It shall be unlawful for any person knowingly or intentionally—

"(1) to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any substance listed under subsection (d) unless the substance is imported for commercial, scientific, or other legitimate uses, and is imported pursuant to such notification or declaration requirements as the Attorney General may by regulation prescribe; and

"(2) to export from the United States to any other country a substance listed under subsection (d) unless there is furnished (before export) to the Attorney General documentary proof that exportation is not contrary to the laws or regulations of the country of destination for consumption for medical, commercial, scientific, or other legitimate purposes, and is exported pursuant to such notification or declaration requirements as the Attorney General may by regulation prescribe.

"(c) The Attorney General may by rule—  
 "(1) add substances to the list in subsection (d) if the Attorney General finds that—

"(A) such substance is a precursor or essential chemical which can be used to manufacture a controlled substance; and

"(B) such substance is being used in the manufacture of controlled substances in violation of this title; or

"(2) delete a substance listed in subsection (d) or added to the list by rule if the Attorney General finds that its listing no longer meets the criteria set forth in paragraph (1).

"(d) The provisions of this title shall apply to the following:

"(1) Precursor chemicals:

"(A) N-Acetylanthranilic acid.

"(B) Anthranilic acid.

"(C) Ergotamine tartrate.

"(D) Ergonovine maleate.

"(E) Phenylacetic acid.

"(F) Ephedrine.

"(G) Pseudoephedrine.

"(H) Benzyl cyanide.

"(I) Benzyl chloride.

"(J) Piperidine.

"(2) Essential chemicals:

"(A) Potassium permanganate.

"(B) Acetic anhydride.

"(C) Acetone.

"(D) Ethyl ether.

"(e) Any information which is reported to or otherwise obtained by the Attorney General under this section and which is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) thereof shall be considered confidential and shall not be disclosed, except that such information may be disclosed to officers or employees of the United States concerned with carrying out this title or title III or when relevant in any proceeding for the enforcement of this title or title III or when necessary to meet United States treaty obligations.

"(f) For purposes of this title:

"(1) The term 'import' has the meaning given such term in section 1001 of title III (21 U.S.C. 951(a)(1)).

"(2) The term 'customs territory of the United States' has the meaning assigned to such term by section 1001 of title III (21 U.S.C. 951(a)(2)).

"(g)(1) No person may distribute, sell, import, export, or otherwise transfer to another person any commercial tableting machine or encapsulating machine unless the purchaser, recipient, transferee, or his agent presents to the distributor or supplier a certification of lawful use and identification to establish the identity of the recipient or purchaser (and any entity which the recipient or purchaser represents) of such a type

as the Attorney General by regulation may establish.

"(2) Any person who distributes, sells, imports, exports, or otherwise transfers to another person any commercial tableting machine or encapsulating machine shall report the transfer to the Attorney General in such a form as the Attorney General may by regulation require. The Attorney General may require such information as the date of sale or transfer, name and address of transferee, purpose for which the machine is intended, and the serial numbers and make and model of the machine.

"(h) An interested person (by petition) or the Attorney General may initiate action to add or delete chemicals pursuant to subsection (c)."

#### SEC. 156. CRIMINAL PENALTIES.

(a) Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)(1)) is amended to read as follows:

"(d) Any person who knowingly or intentionally—

"(1) possesses any precursor chemical or essential chemical listed under section 310(d) with the intent to manufacture any controlled substance, except as authorized by this title;

"(2) possesses or distributes any precursor chemical or essential chemical listed under section 310(d), knowing or having reasonable cause to believe, that such chemical so possessed or distributed will be used to manufacture a controlled substance, except as authorized by this title;

"(3) manufactures, distributes, imports, or exports a precursor chemical or essential chemical listed under section 310(d) except as provided for by this title,

"(4) possesses any precursor chemical or essential chemical listed under section 310(d), with knowledge that the recordkeeping or reporting requirements of section 310(a) or regulations issued pursuant to section 310(a) have not been complied with, or

"(5) with the intent of causing the evasion of the recordkeeping or reporting requirements of section 310(a) of the regulations issued thereunder, receives or distributes a reportable amount of any chemical listed under section 310(d) in units small enough so that the making of records or filing of reports under section 310(a) is not required,

shall be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both."

(b) Section 402(a)(9) of the Controlled Substances Act (21 U.S.C. 842(a)(9)) is amended by—

(1) striking out "or sell piperidine" and replacing it with "a precursor chemical or essential chemical listed under section 310(d)"; and

(2) adding "or certification" after "identification".

(c) Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by striking out subparagraph (C).

(d) Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) in clause (4)(B) by striking out "piperidine" and inserting in lieu thereof "a precursor chemical or essential chemical listed under section 310(d)";

(2) in clause (4)(B) by adding "or certificate" after "identification" where it appears;

(3) in paragraph (4) by striking out "or" after the semicolon;

(4) in paragraph (5) by striking out the period and inserting in lieu thereof "; or"; and

(5) by adding the following paragraphs at the end thereof:

"(6) to possess any drug manufacturing equipment, tableting or encapsulating machines, or gelatin capsules with intent to manufacture a controlled substance except as authorized by this title; or

"(7) to manufacture, distribute, or import any drug manufacturing equipment, tableting or encapsulating machines, or gelatin capsules knowing, or having reasonable cause to believe, that they will be used to manufacture a controlled substance except as authorized by this title."

(e) Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by adding at the end thereof the following: "In addition, any person convicted of a violation of this section or section 401 relating to the receipt, distribution, importation, or exportation of substances listed in section 310(d) shall be enjoined from conducting business activities involving such substances for a minimum of 10 years."

(f) Section 1961(1) of title 18, United States Code, is amended by inserting "including precursor and essential chemicals (as defined in section 310 of the Controlled Substances Act)," after "dangerous drugs," each time it appears.

(g) Section 2516(1)(e) of title 18, United States Code, is amended by inserting "including precursor and essential chemicals (as defined in section 310 of the Controlled Substances Act)," after "dangerous drugs."

#### SEC. 157. FORFEITURES.

Section 511(a) of the Controlled Substances Act (21 U.S.C. 881) is amended by adding a new paragraph (9) as follows:

"(9) All chemicals listed under section 310(d), all drug manufacturing equipment, all tableting or encapsulating machines, and all gelatin capsules, which have been imported, exported, manufactured, possessed, distributed, or intended to be distributed, in violation of this title, as well as all conveyances and equipment, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any way facilitate the transportation, distribution, receipt, possession, or concealment of precursor chemicals and essential chemicals, drug manufacturing equipment, tableting or encapsulating machines, or gelatin capsules, in violation of this title, except as provided for under subparagraphs (A) and (B) of paragraph (4)."

#### SEC. 158. DEFINITIONS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (11), by inserting after "a controlled substance" both places it appears the following: "or a precursor chemical or essential chemical listed under section 310(d)";

(2) in paragraph (8), by inserting "or a precursor chemical or essential chemical" after "a controlled substance"; and

(3) by adding at the end thereof the following new paragraphs:

"(33) The term 'precursor chemical' means a substance that may be used in the chemical process of manufacturing controlled substances and which is incorporated into the final product and is therefore critical to its manufacture.

"(34) The term 'essential chemical' means a substance that may be used in the chemical process of manufacturing controlled substances as a solvent, reagent, or catalyst."

#### SEC. 159. TECHNICAL AMENDMENTS.

(a) Section 506(a) of the Controlled Substances Act (21 U.S.C. 876(a)) is amended by



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adding "or precursor chemicals or essential chemicals" after "with respect to controlled substances".

(b) The table of sections for part C of the Controlled Substances Act is amended by striking out the item relating to section 310 and inserting the following in lieu thereof:

"310. Precursor chemicals and essential chemicals."

SEC. 160. ACTIVE DEPARTMENT OF JUSTICE CONTROL PROGRAM.

The Attorney General shall maintain an active program, both domestic and international, to curtail the diversion of precursor chemicals and essential chemicals used in the illicit manufacture of controlled substances. This program shall include appropriate controls on the purchase, sale, import, and export of these chemicals and development of cooperative efforts with foreign drug control authorities.

SEC. 161. EFFECTIVE DATE.

This subtitle shall take effect 120 days after the date of enactment of this Act.

Subtitle D—Comprehensive Federal Law Enforcement Officer Improvements Act of 1988

SEC. 171. SHORT TITLE.

This subtitle may be cited as the "Comprehensive Federal Law Enforcement Officer Improvements Act of 1988".

SEC. 172. RESTORATION OF HAZARDOUS DUTY EARLY RETIREMENT OPTION UNDER FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

Section 8401(17)(B) of title 5, United States Code, is amended by striking out "for at least 10 years" and inserting in lieu thereof "for at least 3 years".

SEC. 173. AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) Section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)) is amended by striking out "\$50,000" and inserting in lieu thereof "\$100,000".

(b) Section 1201(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)(4)) is amended by striking out "dependent".

SEC. 174. DEFINITIONS.

As used in this section and sections 176, 177, and 178—

(1) the term "Commission" means the National Advisory Commission on Law Enforcement;

(2) the term "Commissioner" means a member of the National Advisory Commission on Law Enforcement; and

(3) the term "law enforcement officer" has the same meaning as provided in section 8401(17) of title 5, United States Code.

SEC. 175. ESTABLISHMENT AND PURPOSES OF THE NATIONAL ADVISORY COMMISSION ON LAW ENFORCEMENT.

(a) There is established as an independent commission in the legislative branch of the United States a National Advisory Commission on Law Enforcement, which shall consist of the following members:

(1) four members of the United States Senate, two of whom shall be selected by the Majority Leader and two of whom shall be selected by the Minority Leader;

(2) four members of the United States House of Representatives, two of whom shall be selected by the Speaker and two of whom shall be selected by the Minority Leader;

(3) the Comptroller General of the United States, who shall also serve as Chairman of the Commission;

(4) the Director of the Office of Personnel Management;

(5) the Attorney General of the United States and three other officials of the De-

partment of Justice who shall be designated by the Attorney General;

(6) the Secretary of the Treasury and two other officials of the Department of the Treasury who shall be designated by the Secretary of the Treasury;

(7) the Inspector General of three departments or agencies of the executive branch of the United States who shall be designated by the President of the United States; and

(8) three representatives from Federal employee groups to be selected by the Office of Personnel Management after consultation with the Speaker of the House and the Majority Leader of the Senate.

(b) The Commission shall study the methods and rates of compensation, including salary, overtime pay, and other benefits of law enforcement officers in all Federal agencies, as well as the methods and rates of compensation of State and local law enforcement officers in a representative number of areas where Federal law enforcement officers are assigned, in order to determine—

(1) the differences which exist among Federal agencies with regard to the methods and rates of compensation for law enforcement officers;

(2) the rational basis, if any, for such differences, considering the nature of the responsibilities of the law enforcement officers in each agency; the qualifications and training required to perform such responsibilities; the degree of personal risk to which the law enforcement officers in each agency are normally exposed in the performance of their duties; and such other factors as the Commission deems relevant in evaluating the differences in compensation among the various agencies;

(3) the extent to which inequities appear to exist among Federal agencies with regard to the methods and rates of compensation of law enforcement officers, based on consideration of the factors mentioned in paragraph (2) of this subsection;

(4) the feasibility of devising a uniform system of overtime compensation for law enforcement officers in all or most Federal agencies, with due regard for both the special needs of law enforcement officers and the relative cost effectiveness to the Government of such a system compared to those currently in use;

(5) how the salaries paid to Federal law enforcement officers compare to those of State and local officers in the same geographical area, especially those in "high cost-of-living" areas;

(6) the impact of the rates of compensation paid by various Federal agencies on the lifestyle, morale, and general well-being of law enforcement officers, including their ability to subsist;

(7) the recruiting and retention problems experienced by Federal agencies due to: inequities in compensation among such agencies; the differences between rates of compensation paid to Federal law enforcement officers and State and local officers in the same geographical areas; and other factors related to compensation; and

(8) the extent to which Federal legislation and administrative regulations may be necessary or appropriate to rectify inequities among Federal agencies in the methods and rates of compensation for law enforcement officers; to address the lack of uniformity among agencies with regard to overtime pay; to provide premiums or special rates of pay for Federal law enforcement officers in high cost-of-living areas; to ensure that the levels of compensation paid to Federal law enforcement officers will be competitive with those paid to State and local officers in the same geographical areas; and to address

such other matters related to the determinations made under this subsection as the Commission deems appropriate in the interests of enhancing the ability of Federal agencies to recruit and retain the most qualified and capable law enforcement officers.

SEC. 176. POWERS OF THE COMMISSION.

(a) The Commission shall have the power to—

(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(2) enter into and perform, without regard to section 3324 of title 31, United States Code, such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or nonprofit organization;

(3) request such information, data, and reports from any Federal agency or instrumentality as the Commission may from time to time require and as may be produced consistent with other law; and

(4) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties.

(b) The Commission shall have such other powers as may be necessary to carry out its functions under this Act and may delegate to any member or designated person such powers as may be appropriate in the conduct of its functions.

(c) Upon the request of the Commission, each Federal agency is authorized and directed to make its resources, services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

(d) Each Commissioner may utilize the resources, services, equipment, personnel, information, and facilities of his or her Federal agency or, in the case of the Commissioners who are members of Congress, his or her congressional office, as may be necessary in the conduct of the Commissioner's respective functions as a member of the Commission.

(e) A simple majority of the Commissioners then serving shall constitute a quorum for the conduct of business by the Commission, and the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the Commissioners present.

(f) The Chairman of the Commission shall call and preside at meetings of the Commission, but the Chairman may delegate to any other Commissioner the authority to preside at meetings of the Commission.

SEC. 177. REPORT AND DISSOLUTION OF COMMISSION.

(a) Within 6 months following the date of enactment of this Act, the Commission shall prepare and deliver to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, a written report setting forth—

(1) the findings and determinations made by the Commission pursuant to section 176(b); and

(2) specific proposals for such legislation and administrative regulations as the Commission has determined to be necessary or appropriate pursuant to section 176(b)(8).

(b) The Commission shall be terminated 60 days following submission of the report mandated by this section.

**Subtitle E—Deportation of Convicted Foreign  
Drug Inmates**

**SEC. 182. SHORT TITLE.**

This subtitle may be cited as the "Violent Criminal Alien Deportation Act".

**SEC. 183. DEFINITIONS.**

(a) The term "violent criminal alien" for purposes of this subtitle means any alien, including an alien crewman, who has been convicted and sentenced for an aggravated violent felony in a United States district court or in a court of record of any State, territory, possession, or in the District of Columbia.

(b) The term "aggravated violent felony" for purposes of this subtitle means (1) any offense, attempt, or conspiracy involving murder, assault and battery against a police officer, peace officer, or other law enforcement officer, kidnapping, arson, robbery, extortion, burglary, rape, forcible sodomy, or dealing in narcotic or other dangerous drugs which is chargeable under State law and punishable by imprisonment for more than one year; or (2) any offense or conspiracy to commit any offense which is indictable under any of the following provisions of the United States Code: 18 U.S.C. 111 (relating to assault on a Federal officer); 18 U.S.C. 351 (relating to assault of a Member of Congress, Cabinet officer, or Supreme Court Justice); 18 U.S.C. 891-894 (relating to extortionate credit transactions); 18 U.S.C. 1114 (relating to the homicide of a Federal law enforcement officer); 18 U.S.C. 1201 (relating to kidnapping); 18 U.S.C. 1751 (relating to the homicide of the President); 18 U.S.C. 1951, 1952, 1952A, and 1952B (relating to interference with commerce by threats or violence); 18 U.S.C. 2113 and 2118 (relating to robbery); 18 U.S.C. 2421-24 (relating to white slave traffic); subsections (i), (j), (k), and (l) of section 902 of the Federal Aviation Act of 1958 (relating to aircraft piracy); or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, including precursor and essential chemicals (as defined in section 310 of the Controlled Substances Act), punishable under any law of the United States.

**SEC. 184. ADDITIONAL GROUNDS FOR DEPORTATION; GROUNDS FOR APPEAL.**

(a) Notwithstanding any other provision of law, except section 243(h) of the Immigration and Nationality Act, any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General, be deported as a violent criminal alien if such alien has been convicted and sentenced in a United States district court or in a court of record of any State, territory, possession, or in the District of Columbia for an aggravated violent felony and such conviction and sentence shall revoke by operation of law the permanent resident status of any alien and such conviction and sentence shall serve as conclusive evidence of the deportability of any alien.

(b) Notwithstanding any other provision of law, the District Director of the Immigration and Naturalization Service for the district in which it appears that an alien was convicted and sentenced for an aggravated violent felony shall, on behalf of the Attorney General, issue and order of deportation for the alleged violent criminal alien which shall be effective as of the date of sentence.

(c) Notwithstanding any other provision of law, an order of deportation for an alleged violent criminal alien, in his native language, shall be personally served on the alleged violent criminal alien named therein. Said order of deportation shall be simply worded to inform the alleged violent criminal

alien of at least the following information:

(1) the data and the court in which the subject of the order of deportation was convicted and sentenced for an alleged aggravated violent felony;

(2) a description, including the citation, of the crime alleged to be the aggravated violent felony;

(3) a notice that the order of deportation will become a final order of deportation unless the subject of the order petitions a United States district court to vacate the order of deportation within 30 days of its personal service on the alleged violent criminal alien; and

(4) an explanation of the procedure to vacate the order of deportation.

(d)(1) Notwithstanding any other provision of law, a person alleged to be a violent criminal alien may petition a United States district court to vacate an order of deportation on the grounds that he is a United States citizen and therefore not subject to an order of deportation, that he is not the person named in the order of deportation as having been convicted and sentenced for the aggravated violent felony which is the basis for the order of deportation, or that the conviction which is the basis for the order of deportation is not an aggravated violent felony as that term is defined in this Act.

(2) A petition to vacate an order of deportation by the person named therein as a violent criminal alien must set forth under oath the ground or grounds, set forth in subsection (a), upon which the alleged violent criminal alien seeks to vacate his order of deportation. If petitioner claims United States citizenship, he must allege the names of his natural mother and father and the date and place of his birth.

(3) A petition by an alleged violent criminal alien to vacate an order of deportation must be served on the United States Attorney for the judicial district in which the petition is filed. Within 30 days of service upon the appropriate United States Attorney, a reply shall be filed with the district court and served upon the alleged violent criminal alien or his attorney acknowledging or disputing, with appropriate documentary evidence, the ground or grounds alleged in the petition as the basis to vacate the order of deportation.

(4) Within 30 days of the service on the alleged violent criminal alien or his attorney of the reply of the United States Attorney, a United States district judge may conduct a hearing, without a jury, to resolve any disputed questions of fact as to whether the person alleged to be a violent criminal alien is a United States citizen, or as to whether the person who is the subject of the order of deportation was convicted and sentenced for an aggravated violent felony as that term is defined in this Act, or as to whether the crime alleged in the order of deportation is an aggravated violent felony as that term is defined in this Act. The burden of proof by a preponderance of the evidence is upon the petitioner to establish United States citizenship and the burden of proof by a preponderance of the evidence is upon the United States to establish that the person named in the order of deportation is petitioner or that petitioner was convicted and sentenced for an aggravated violent felony, as that term is defined in this Act. The Federal Rules of Evidence shall apply to this hearing. At the conclusion of the hearing the United States district court must make a finding as to whether petitioner is a violent criminal alien and thus subject to deportation pursuant to this Act. If petitioner is adjudicated a violent criminal alien, the court shall issue a final order of deportation.

(5) Petitioner may appeal a final order of deportation, issued pursuant to this subtitle, to the appropriate United States court of appeals, and said order of deportation shall be stayed pending the decision and order of the court of appeals. The United States may appeal the vacatur of an order of deportation, issued pursuant to this subtitle, to the appropriate United States court of appeals.

(e) Notwithstanding any other provision of law, when the conviction and sentence of an aggravated violent felony, which served as the basis for the deportation of a person who had previously been lawfully admitted for permanent residence, is reversed by a United States district court or by a court of record of any State, territory, possession, or in the District of Columbia, the alien may petition the Attorney General from his native country for discretionary reinstatement of the status of an alien lawfully admitted for permanent residence.

(f) Nothing in this subtitle shall be construed as altering the authority of a special inquiry officer with respect to proceedings to determine the deportability of aliens other than violent criminal aliens.

**SEC. 185. AMENDMENTS.**

Section 276 of the Immigration and Nationality Act is amended—

(1) by striking out "Any alien" and inserting in lieu thereof "(a) Subject to subsection (b), any alien", and

(2) by adding at the end thereof the following:

"(b)(1) Notwithstanding subsection (a), in the case of any alien described in subsection (a)—

"(A) whose deportation was subsequent to a conviction for commission of a felony (other than an aggravated violent felony), such alien shall be punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000, or both, or

"(B) whose deportation was subsequent to a conviction of commission of an aggravated violent felony, such alien shall be punishable by imprisonment for not more than 15 years and by a fine of not more than \$20,000.

"(2) For purposes of this subsection, the term 'aggravated violent felony' is as defined in section 183(b) of the Violent Criminal Alien Deportation Act."

**Subtitle F—Customs Enforcement Amendments  
Act of 1988**

**SEC. 187. SHORT TITLE; AMENDMENTS.**

(a) This subtitle may be cited as the "Customs Enforcement Amendments Act of 1988".

(b)(1) Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking out "section 543" and inserting "section 545".

(2) Section 1822(c) of the Mail Order Drug Paraphernalia Control Act is amended by striking out "upon conviction of a person for such violation".

**SEC. 188. AMENDMENTS TO THE TARIFF ACT OF 1930.**

(a) Section 431(c)(1)(G) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)(G)) is amended by striking out "or" and inserting in lieu thereof "of".

(b) Section 433 of the Tariff Act of 1930 (19 U.S.C. 1433) is amended by—

(1) striking out the section heading and inserting in lieu thereof:

"SEC. 433. VESSELS, VEHICLES, AND AIRCRAFT REPORTING REQUIREMENTS."

(2) striking out "ARRIVAL" and inserting in lieu thereof "REPORTING REQUIREMENTS" in the caption of subsection (c);

(3) redesignating the content of subsection (c) as subsection (c)(1); and

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(4) inserting the following at the end of subsection (c)(1):

"(2) The pilot of any aircraft shall, prior to departing the United States, comply with such advance notification and reporting requirements as the Secretary may by regulation prescribe."

(c) Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436) is amended by—

(1) inserting ", except for violations of section 433(c)(2)," after "listed in subsection (a)" in subsection (b); and

(2) inserting the following new subsection after subsection (d):

"(e) Any aircraft pilot who commits any violation of section 433(c)(2) of this Act, or any regulations promulgated thereunder, is liable for a civil penalty of \$25,000 for the first violation, and \$100,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture."

(d) Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497), is amended by striking out "200 percent" and inserting in lieu thereof "1,000 percent".

(e) Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end thereof the following new subsection:

"(i) For purposes of this section, the term 'authorized place' includes—

"(1) with respect to a vehicle, any location in a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches;

"(2) with respect to a vessel—

"(A) the high seas if the vessel is—

"(i) a vessel of the United States as defined in section 3 of Public Law 96-350 (46 U.S.C. 1903) or section 3 of the Anti-Smuggling Act (19 U.S.C. 1703);

"(ii) a vessel registered in a foreign nation or a vessel with a foreign nationality where the flag state has consented or waived objection to boardings or examinations by United States officials; or

"(iii) a vessel without nationality or a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) or article 6 of the 1958 Convention on the High Seas; and

"(B) the territorial seas, internal waters, or contiguous zone of a foreign country, if that country consents to boardings or examinations by United States officials; and

"(3) with respect to aircraft to which this section applies by virtue of section 644 or section 1109 of the Federal Aviation Act (49 U.S.C. 1509) or regulations issued thereunder, any location in a foreign country at which United States customs officers are permitted to conduct inspections, examination, or searches."

(f) Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by—

(1) adding the following sentence at the end of subsection (a): "A declaration of forfeiture under this section shall have the same force and effect as a final decree and order of forfeiture in a judicial forfeiture proceeding in a United States District Court. Title shall be deemed to vest in the United States free and clear of any liens or encumbrances (except for first preferred ship mortgages pursuant to 46 U.S.C. 961) from the date of the act for which the forfeiture was incurred. Officials of the various States, insular, possessions, territories and commonwealths shall, upon application of the appropriate customs officer accompanied by a certified copy of the declaration of forfeiture, remove any recorded liens or encumbrances which apply to such property and issue or reissue the necessary certificates of title, registration certificates, or similar documents to the United States or to any transferee of the United States."; and

(2) by striking out "During the period beginning on October 30, 1984, and ending on September 30, 1987, the" in subsection (b) and inserting in lieu thereof "The".

(g) Subsection (c) of section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a(c)) is amended by—

(1) inserting "is authorized to retain forfeited property for official use, or the Secretary" after "the Secretary of the Treasury"; and

(2) striking out "which participated directly in the seizure or forfeiture of the property" and inserting in lieu thereof "that cooperates with the United States Customs Service in joint law enforcement operations. The Secretary is also authorized to transfer forfeited property to foreign governments that cooperate with the United States Customs Service in joint law enforcement operations".

(h) Part V of title IV of the Tariff Act of 1930 is amended by inserting the following new section after section 619:

**"SEC. 630. FINES IN CERTAIN CASES.**

"Any person who is convicted of a criminal offense under any law administered or enforced by the Customs Service involving the Bank Secrecy Act (31 U.S.C. 5311-5322), Money Laundering (18 U.S.C. 1956 and 1957), or the Controlled Substances Act (21 U.S.C. 801 et seq.), shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, United States Code, except that this sentence shall not apply, and a fine under this section need not be imposed, if the court determines under the provision of title 18 of such Code that the defendant lacks the ability to pay."

**SEC. 189. THE STAMPING OF CONTROLLED SUBSTANCE VIOLATORS' PASSPORTS ACT OF 1988.**

(a) The Secretary of State is authorized to make regulations prescribing procedures for indicating on passports and other travel documents issued by the United States, the fact that the holder has been convicted of an offense under a Federal or State law involving controlled substances, or has been assessed a fine or civil penalty or has incurred a forfeiture under any Federal or State law involving controlled substances as defined by section 102 of the Controlled Substances Act (21 U.S.C. 802(6)).

(b) Upon conviction of any violation of a Federal or State law involving controlled substances as defined by the Controlled Substances Act, or any criminal violation of the Bank Secrecy Act (31 U.S.C. 5311-5322), or Money Laundering Act (18 U.S.C. 1956 and 1957), the Secretary of State shall revoke violators passports and other travel documents.

(c) A person whose passport or other travel documents shall have been revoked under subsection (b) of this section for an offense constituting a felony, shall not be eligible to receive a passport or other travel documents for 10 years from the date of the conviction of the crime resulting in revocation. A person whose passport or other travel documents shall have been revoked under subsection (b) of this section for an offense constituting a misdemeanor, shall not be eligible to receive a passport or other travel documents for 5 years from the date of the conviction of the crime resulting in revocation.

(d) No passport or other travel document shall be issued to a person who has been convicted of a Federal or State felony involving controlled substances as defined by the Controlled Substances Act or any criminal violation of the Bank Secrecy Act (31 U.S.C. 5311-5322), or Money Laundering Act

(18 U.S.C. 1956 and 1957), during the 20-year period prior to the application. No passport or other travel document shall be issued to a person who has been convicted of a Federal or State offense constituting a misdemeanor involving controlled substances as defined by the Controlled Substances Act or any criminal violation of the Bank Secrecy Act (31 U.S.C. 5311-5322), or Money Laundering Act (18 U.S.C. 1956 and 1957), during the 5-year period prior to the application.

**SEC. 190. AMENDMENT TO THE TARIFF ACT OF 1930.**

Part V of title IV of the Tariff Act of 1930 is amended by inserting the following new section after section 630:

**"SEC. 631. OATHS AND SUBPENAS.**

"(a) **IN GENERAL.**—For the purpose of any investigation which, in the opinion of the Secretary of the Treasury, is necessary and proper to the enforcement of any law relating to the importation or exportation of any prohibited merchandise, the Secretary of the Treasury may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of records (including books, papers, documents, and tangible things which constitute or contain evidence) relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place within the customs territory of the United States, except that a witness shall not be required to appear at any hearing distant more than 100 miles from the place where he was served with subpoena. Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Oaths and affirmations may be made at any place subject to the jurisdiction of the United States.

"(b) **SERVICE OF SUBPENAS.**—A subpoena of the Secretary of the Treasury may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

"(c) **ORDERS TO COMPEL COMPLIANCE.**—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary of the Treasury may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on, or of which the subpoenaed person is an inhabitant, carries on business, or may be found, to compel compliance with the subpoena of the Secretary of the Treasury. The court may issue an order requiring the subpoenaed person to appear before the Secretary of the Treasury there to produce records, if so ordered, or to give testimony touching the matter under investigation, and pay the costs of the proceeding. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district whereof the subpoenaed person is an inhabitant or wherever he may be found."

**SEC. 191. AMENDMENT TO TITLE 18, UNITED STATES CODE.**

(a) Section 1961(1)(B) of title 18, United States Code, is amended by inserting "sec-

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tion 545 (relating to smuggling)" immediately after "relating to counterfeiting)."

(b) Section 1961(1)(D) of title 18, United States Code, is amended by striking out "or" immediately after the last comma.

(c) Section 1961(1) of title 18, United States Code, is amended by inserting immediately before the semicolon at the end thereof a comma and the following new clauses: "(F) any act which is indictable under section 38 of the Foreign Military Sales Act (relating to the illegal exportation of munitions) (22 U.S.C. 2778), (G) any act which is indictable under section 11 of the Export Administration Act of 1979 (relating to the illegal exportation of merchandise) (50 U.S.C. Appendix 2410), or section 3 of the Trading With the Enemy Act (relating to criminal violations), or (H) any act which is indictable under section 203 of the International Emergency Economic Powers Act (relating to criminal sanctions) (50 U.S.C. 1702)".

(d) Subsection (f) of section 1109 of the Federal Aviation Act of 1958 is amended by adding the following sentence to the end thereof:

"Any person who violates this subsection or any regulation promulgated thereunder shall be subject to a civil penalty of \$10,000, and any aircraft for which a report required under this subsection or any regulation promulgated thereunder is not filed, or is filed with material false statements or omissions, shall be subject to seizure and forfeiture as provided for in the Customs laws."

Subtitle G—Authorization of Additional Appropriations for Drug Enforcement Personnel, Fiscal Year 1989

#### SEC. 192. UNITED STATES COAST GUARD DRUG INTERDICTION PERSONNEL ENHANCEMENT.

(a) There is authorized to be appropriated for Operating Expenses of the Coast Guard for fiscal year 1989, \$45,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriations shall be used to increase Coast Guard drug enforcement personnel by no less than 800 full-time equivalent positions over personnel levels onboard in the Coast Guard as of September 30, 1988.

(b) Nothing in this section shall require the Coast Guard to recruit, compensate, train, purchase, or deploy any personnel or equipment except to the extent that—

(1) additional appropriations are made available in appropriations Acts for that purpose; or

(2) funds are transferred to the Secretary of Transportation for that purpose pursuant to this Act.

#### SEC. 193. UNITED STATES CUSTOMS SERVICE DRUG INTERDICTION PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for Salaries and Expenses of the Customs Service for fiscal year 1989, \$30,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his budget presented to the Congress on February 18, 1988, or appropriated in any regular appropriations Act or continuing resolution for the fiscal year ending on September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase drug enforcement personnel at the Customs Service by no fewer than 600 full-time equivalent positions over the level of such personnel onboard at the Customs Service as of September 30, 1988, and for related equipment.

#### SEC. 194. IMMIGRATION AND NATURALIZATION SERVICE/BORDER PATROL DRUG INTERDICTION PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for Salaries and Expenses of the Border Patrol within the Department of Justice for fiscal year 1989, \$20,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his budget presented to the Congress on February 18, 1988, or appropriated in any regular appropriations Act or continuing resolution for the fiscal year ending on September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase drug interdiction officers of the Border Patrol by no fewer than 500 full-time equivalent positions over the level of such personnel onboard at the Border Patrol as of September 30, 1988, and for related equipment: *Provided further*, That of these additional personnel, 90 shall be for drug interdiction support personnel and 10 for Border Patrol drug education officers.

#### SEC. 195. IMMIGRATION AND NATURALIZATION SERVICE/CRIMINAL INVESTIGATOR PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for Salaries and Expenses for the Immigration and Naturalization Service for fiscal year 1989, \$3,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriations shall be used to increase the number of criminal investigator full-time equivalent positions by 50 over such personnel levels onboard at the Service as of September 30, 1988, and for related equipment.

#### SEC. 195A. ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE, NEW YORK CITY PILOT PROJECT AND REPORT.

(a) There is authorized to be appropriated to the Immigration and Naturalization Service in the Department of Justice for fiscal year 1989, \$16,100,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided*, That such additional appropriation shall be used to increase the commitment of Immigration and Naturalization Service personnel to the Organized Crime Drug Enforcement Task Force (OCDETF) in New York City, by 175 Senior Special Agent and support positions; and for associated training and equipment; and for costs incurred during INS agent participation in OCDETF operations with other Federal, State, and local law enforcement agencies.

(b) The aforementioned positions shall, under the supervision of a director for the pilot project, be used exclusively to assist Federal and local law enforcement agencies in combatting illegal alien involvement in drug trafficking and crimes of violence.

(c) The director of the pilot project shall report to the Assistant Commissioner—Investigations and will have the authority to—

(1) hire a limited number of non-Federal law enforcement officers with substantive experience in narcotics investigations should insufficient senior Federal agents be available. Non-Federal law enforcement officers hired under this provision may be over the age of 35, but in that event would only be eligible for nonlaw enforcement retirement benefits.

(2) grant extensions of stay and other discretionary immigration benefits and waivers to witnesses, informants, and others whose presence in the United States is essential to the investigation and prosecution of criminal aliens involved in drug trafficking and crimes of violence.

(d) After the first year of the establishment of this pilot project the Attorney General will provide for an evaluation of its effectiveness, including an assessment by Federal local prosecutors and enforcement agencies.

#### SEC. 196. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS ARMED CAREER CRIMINAL APPREHENSION PROGRAM PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for Salaries and Expenses of the Bureau of Alcohol, Tobacco, and Firearms for fiscal year 1989, \$8,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase the number of Armed Career Criminal Apprehension enforcement personnel at the Bureau by no less than 130 fulltime equivalent positions over such personnel levels onboard at the Bureau as of September 30, 1988, and for related equipment: *Provided further*, That an additional 10 fulltime equivalent positions shall be used to establish a Bureau of Alcohol, Tobacco, and Firearms Drug Education officers program: *Provided further*, That of the amount authorized to be appropriated by this section, \$750,000 shall be available for (1) the equipping for law enforcement functions of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco, and Firearms, and (2) the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco, and Firearms.

#### SEC. 197. DRUG ENFORCEMENT ADMINISTRATION PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for Salaries and Expenses of the Drug Enforcement Administration for fiscal year 1989, \$60,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase Drug Enforcement Administration enforcement personnel by no less than 224 fulltime equivalent positions over personnel levels onboard at the Drug Enforcement Administration as of September 30, 1988, and for related equipment and drug enforcement operations: *Provided further*, That of these additional positions, 5 fulltime positions shall be used to establish a Drug Enforcement Administration Drug Education officers program.

#### SEC. 198. FEDERAL BUREAU OF INVESTIGATION DRUG ENFORCEMENT PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the Federal Bureau of Investigation for fiscal year 1989, \$38,000,000: *Provided*, That such appropria-



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tion shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase the number of drug enforcement agents at the Bureau by no less than 400 fulltime equivalent positions over such personnel levels onboard at the Bureau as of September 30, 1988, and for related equipment and drug enforcement operations: *Provided further*, That of these additional positions, 5 fulltime positions shall be available to establish a Federal Bureau of Investigation Drug Education officers program at the Bureau.

#### SEC. 198A. U.S. MARSHALS SERVICE DRUG ENFORCEMENT PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the U.S. Marshals Service for the fiscal year 1989, \$73,800,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used as follows:

- (1) \$11,500,000 for 230 fulltime equivalent positions for asset seizure and forfeiture activities;
- (2) \$30,700,000 for 20 fulltime equivalent positions, including \$20,000,000 for Cooperative Agreement Program renovation project, and \$10,000,000 for maintenance of Federal cell block areas with upgraded security equipment;
- (3) \$10,000,000 for 188 fulltime equivalent positions for criminal justice support activities, including prisoner production and transportation;
- (4) \$6,200,000 for 104 fulltime equivalent positions for protection of the Federal judiciary and court facilities resulting from increased drug-related trials;
- (5) \$4,600,000 for 60 fulltime equivalent positions for increased workloads of the Marshals Service Witness Security Program; and
- (6) \$10,800,000 for 139 fulltime equivalent positions for increased narcotics-related investigation and arrest of fugitives in the United States and foreign countries.

#### SEC. 198B. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated in fiscal year 1989 to the buildings and facilities account, Federal Prison System, Department of Justice, \$200,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used for planning; acquisition of sites, construction of new facilities; purchase; leasing and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, to alleviate overcrowding in existing prisons and to meet the increased demand for prison space resulting from drug-related offenses.

#### SEC. 198C. UNITED STATES ATTORNEYS DRUG ENFORCEMENT PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the United States Attorneys, Department of Justice for fiscal year 1989, \$10,000,000: *Provided*, That such

appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase the number of United States Attorneys, including related support staff by no fewer than 200 fulltime equivalent positions over such personnel levels onboard at the Department of Justice as of September 30, 1988.

#### Subtitle H—Miscellaneous Law Enforcement Provisions

##### SEC. 199. REWARDS FOR FUGITIVE CAPTURE.

Section 3059 of title 18, United States Code, is amended by inserting the following new subsection after subsection (b):

"(c) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 for the capture, or for assisting in or furnishing information leading to the capture, of an escaped Federal prisoner under section 751 of this title, or any person who has violated either section 3146 (bond default), 4213 (parole violation), or 3606 (probation violation), of this title, to be appropriated and expended in the discretion of, and upon such conditions as may be imposed by, either the Director of the United States Marshals Service or the Director of the Bureau of Prisons, as the case may be, pursuant to regulations promulgated by the Attorney General. Not more than \$10,000 shall be expended in connection with the capture of any one person."

##### SEC. 199A. PROHIBITION OF DANGEROUS WEAPONS IN FEDERAL COURTHOUSES.

(a) It shall be unlawful for any person to carry or project into, possess within, or cause to be present within any Federal courthouse any firearm, dangerous weapon, explosive, or incendiary device.

(b) Any violation of subsection (a) of this section, or any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding \$5,000, or imprisonment not exceeding 5 years, or both.

(c) Any firearm, ammunition, dangerous weapon, explosive, or incendiary device involved in or used or intended to be used in any violation of the provisions of this section shall be subject to seizure and forfeiture in accordance with all applicable provisions of Federal law.

(d) Notice to the effect of subsections (a), (b), and (c) of this section shall be posted conspicuously by the United States Marshal at one or more public entrances to each Federal courthouse.

(e) Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt; nor shall anything in this section interfere with or limit in any way the power of a court of the United States to promulgate rules or orders regulating, restricting or prohibiting the possession or carrying of weapons within any building, or upon the grounds appurtenant thereto, housing such court or any of its proceedings.

(f) Nothing contained in this section shall be deemed to prohibit or render unlawful any act performed in the lawful discharge of the official duties of a law enforcement officer of the Federal Government or any State or political subdivision thereof.

(g) DEFINITIONS.—As used in this section—  
(1) The term "dangerous weapon" includes all articles enumerated and included within the definition of "dangerous weapon" set forth in section 16(a) of the Act of July 31, 1946 (40 U.S.C. 193m).

(2) The term "explosive" shall have the same meaning as when used in section 841 of title 18, United States Code.

(3) The term "Federal courthouse" means a building which houses a court of the United States or is the site of a proceeding before a judge or court of the United States, a United States Magistrate, a bankruptcy judge, or a Federal grand jury.

(4) The term "firearm" shall have the same meaning as when used in section 921(a)(3) of title 18, United States Code.

#### SEC. 199B. SUPPORT OF UNITED STATES PRISONERS IN NON-FEDERAL INSTITUTIONS.

Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

##### "SEC. 4013. SUPPORT OF UNITED STATES PRISONERS IN NON-FEDERAL INSTITUTIONS.

"(a) The Attorney General or his designee, in support of United States prisoners in non-Federal institutions, is authorized to make payments from appropriations available to the United States Marshals Service, without limitation as to fiscal year, for—

- "(1) necessary clothing;
- "(2) medical care and necessary guard hire;

"(3) payment of rewards for assistance in the capture or information leading to the capture of a Federal fugitive;

"(4) the housing, care and security of persons held in custody of the U.S. Marshal pursuant to Federal law under agreements with State or local units of government or contracts with private entities; and

"(5) entering into contracts or cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for Federal detainees within that correctional system, in accordance with regulations issued by the Attorney General and which are comparable to the regulations issued under section 4006 of this title, except that amounts made available for this purpose shall not exceed the average per-inmate cost of constructing similar confinement facilities for the Federal prison population: *And provided further*, That the availability of such federally assisted facility shall be assured for housing Federal prisoners and the per diem rate charged for housing such Federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement."

##### SEC. 199C. AUTHORIZATION OF APPROPRIATIONS FOR PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION.

There are hereby authorized to be appropriated for the President's Media Commission on Alcohol and Drug Abuse Prevention the following amounts:

- (1) \$1,000,000 for the fiscal year ending September 30, 1989;
- (2) \$1,000,000 for the fiscal year ending September 30, 1990; and
- (3) \$1,000,000 for the fiscal year ending September 30, 1991.

#### TITLE II—INTERNATIONAL NARCOTICS CONTROL AND ASSISTANCE TO FOREIGN COUNTRIES

##### Subtitle A—International Drug Eradication Improvement Program

##### SEC. 201. DRUG SOURCE COUNTRY ERADICATION IMPROVEMENT ACT OF 1988.

(a) There is established within the Department of State under the Office of International Narcotics Matters an International Special Operations Drug Eradication Squad-

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ron (hereafter in this subtitle known as the "Squadron") to be deployed to increase the eradication of drugs in drug source countries.

(b) The purpose of the Squadron established in subsection (a) under this subtitle is—

(1) to provide special assistance to drug source countries who request drug eradication assistance from the United States; and

(2) to participate in joint international drug eradication operations in drug source countries where one or more of the participating nations have specifically requested the assistance of the United States in such operation.

(c) There is authorized to be appropriated for fiscal year 1989, \$12,000,000 for the International Narcotics Matters program at the Department of State for the procurement of helicopters, fixed wing aircraft, other related equipment; operation and maintenance for such helicopters and aircraft; and salaries and expenses for fulltime personnel of the Squadron established in subsection (a) of this section: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his budget presented to the Congress on February 18, 1988, or appropriated in any regular appropriations Acts or continuing resolutions for the fiscal year ending on September 30, 1989, or as authorized in section 230 of subtitle D of this title.

(d) The Secretary of State shall establish strict criteria guidelines and procedures which shall govern a decision by the United States to deploy the Squadron established under subsection (a) of this section in support of any drug source nation requesting the assistance of the United States Government in drug eradication operations. Such criteria shall include, but not limited to, the following:

(1) the level of cooperation offered by the drug source country to the United States in eradicating drugs, and conducting other drug enforcement operations;

(2) the record of unilateral action taken by the drug source country to eradicate drugs from their soil; and

(3) the evidence exhibited by such drug source country that it intends to maintain a continuing unilateral drug eradication program upon completion of the drug eradication operation deploying the Squadron established in subsection (a) of this section.

#### Subtitle B—International Narcotics Matters Improvement and Special Assistance Programs

##### SEC. 211. ECONOMIC ASSISTANCE INCENTIVE PROGRAM.

(a) There is established under the Agency for International Development (A.I.D.) a special economic assistance incentive grant program to provide direct, nonmilitary, economic assistance to drug source countries that meet specific, proscribed coca leaf, marijuana, and opium eradication goals during fiscal years 1989, 1990, and 1991.

(b) In order for a drug source country to be eligible for the special economic assistance grants authorized in subsection (a), such country must achieve a verifiable 15 percent reduction in the national coca leaf crop acreage, a verifiable 15 percent reduction in the national marijuana crop acreage, and a verifiable 15 percent reduction in the national opium crop acreage in the year preceding the first fiscal year for which such grant assistance is authorized, and a verifiable 40 percent reduction in the national coca leaf, marijuana, or opium crop acreage over the period of fiscal year 1989 to fiscal year 1991. Identification of total aggregate national coca leaf, marijuana, or opium acreage production during a given year, shall be determined by the Drug Enforce-

ment Administration of the Department of Justice and shall serve as the baseline from which a country's drug eradication efforts shall be measured. The Drug Enforcement Administration shall also be tasked by the Attorney General of the United States to verify the eradication effort put forth by such drug source countries as the basis for determining whether or not such country has met the eligibility requirements for the economic assistance authorized in subsection (a). The Administrator of the Drug Enforcement Administration shall make his assessment of baseline drug production and his determinations of drug source country eligibility for economic assistance grants under subsection (a) in a timely fashion and consistent with the best available technology to determine both the baseline production levels from which the eradication effort of drug source countries shall be measured, and the verified eradication initiative taken by such drug source countries. Both the baseline production levels and the verification of drug eradication in drug source countries shall be reported to the appropriate committees of the Congress in a timely fashion.

(c) There is authorized to be appropriated to the Agency for International Development for each of the fiscal years 1989, 1990, and 1991, \$200,000,000, such amounts to remain available until expended: *Provided*, That of this annual amount up to 5 percent per fiscal year may be used for administration of the grant program, including transfers to the Drug Enforcement Administration to cover their costs in implementing the program goals and objectives.

(d) The Comptroller General of the United States shall monitor the economic assistance incentive grant program established under subsection (a) and funded under subsection (c) of this section and report periodically to the Congress regarding the management of and allocation of grant funds under the program.

(e) At the start of fiscal year 1991, a panel consisting of the Attorney General of the United States or his designee; the Secretary of State; the Director of the Agency for International Development; and appropriate representatives of the House and Senate, designated by the Speaker of the House of Representatives and the Majority Leader of the Senate, respectively, shall be convened by the Director of the Agency for International Development to consider whether or not the economic assistance incentive grant program established in this section should be continued beyond fiscal year 1991 and if it is determined that the program should be continued, make legislative and administrative recommendations for improvements in the program, including proposed funding levels for the program in subsequent fiscal years.

#### Subtitle C—Amendments to Foreign Assistance Act of 1961, as amended

##### SEC. 220. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

Subsection 481(h)(3) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(3) In making the certification required by paragraph (2) of this subsection, the President shall consider whether such government—

"(A) has taken actions that have resulted in maximum reductions in illicit drug production which were determined to be achievable pursuant to subsection (e)(4);

"(B) has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in nar-

cotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances significantly affecting the United States;

"(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related monies, as evidenced by—

"(i) the enactment and enforcement of laws prohibiting such conduct,

"(ii) the willingness of such government to enter into mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

"(iii) the degree to which such government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts;

"(D) as a matter of government policy, encourages or facilitates the production or distribution of illegal drugs;

"(E) consists of any senior official who engages in, encourages, or facilitates the production or distribution of illegal drugs;

"(F) has investigated aggressively all cases in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has suffered or been threatened with violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and has energetically sought to bring the perpetrators of such offense or offenses to justice; and

"(G) having been requested to do so by the United States Government, fails to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country.

The International Narcotics Control Strategy Report shall describe for each country listed under subparagraphs (D) through (G) the activities and identities of officials whose activities caused such country to be so listed."

#### Subtitle D—International Narcotics Matters Authorization of Appropriations

##### SEC. 230. AUTHORIZATIONS OF APPROPRIATIONS.

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)":

"(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President \$138,000,000 for fiscal year 1989 and \$150,000,000 for fiscal year 1990."

##### SEC. 231. DEVELOPMENT OF HERBICIDES FOR AERIAL COCA ERADICATION.

The Secretary of State shall use not less than \$500,000 of the funds made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) to finance research on and the development and testing of safe and effective herbicides for use in the aerial eradication of coca.

##### SEC. 232. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

(a) Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), \$900,000 for each of the fiscal years 1989 and 1990 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. These funds may only be used to arm aircraft already in the inventory of

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the recipient country, and may not be used for the purchase of new aircraft.

(b) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

#### SEC. 233. PILOT AND AIRCRAFT MAINTENANCE TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) Not less than \$2,000,000 of the funds made available for each of the fiscal years 1989 and 1990 to carry out chapter 5 of part II of the Foreign Assistance Act (relating to international military education and training) shall be available only for—

(1) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts for countries in Latin America and the Caribbean; and

(2) the expenses of deploying, upon the request of the government of a foreign country, Department of Defense mobile training teams in that foreign country to conduct training in military-related individuals and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(b) Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (relating to international narcotics control).

(c) Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (relating to police training).

#### SEC. 234. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLEGAL DRUG PRODUCTION OR TRAFFICKING.

(a) Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 486. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLEGAL DRUG PRODUCTION OR TRAFFICKING.

"(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

"(1) INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

"(2) SECURITY ASSISTANCE.—Any such funds not used under paragraph (1) shall be

reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

"(b) DEFINITION OF SECURITY ASSISTANCE.—As used in this section, the term 'security assistance' means assistance under chapter 2 of part II of this Act (relating to the military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales credits)."

(b) The amendment made by subsection (a) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

#### SEC. 235. ASSISTANCE FOR BOLIVIA.

For fiscal year 1989, assistance may be provided for Bolivia under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia has enacted legislation that will—

(1) establish its legal coca requirements,

(2) provide for the licensing of the number of hectares necessary to produce the legal requirement,

(3) make unlicensed coca production illegal, and

(4) make possession and distribution of coca leaf illegal (other than for licit purposes).

#### SEC. 236. ASSISTANCE FOR MEXICO.

(a) Of the amounts made available for each of the fiscal years 1989 and 1990 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not more than \$20,000,000 may be made available for Mexico.

(b) Of the funds allocated for assistance for Mexico for each of those fiscal years under that chapter, \$1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) has brought to trial and is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

#### SEC. 237. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.

(a) The Congress directs the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

(b) Of the amounts made available for each of the fiscal years 1989 and 1990 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not less than \$5,000,000 shall be available only for assist-

ance to countries described in subsection (a).

#### SEC. 238. INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the President \$1,000,000 for each of the fiscal years 1989 and 1990 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), which amount shall be used pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

#### SEC. 239. DEVELOPMENT OF MODEL TREATIES AND COMPREHENSIVE ANTIDRUG LAWS.

The Secretary of State and the Attorney General shall jointly develop a model extradition treaty with respect to narcotics-related violations (including extradition of host country nationals), a model mutual legal assistance treaty, and model comprehensive anti-narcotics legislation. The Secretary of State shall distribute such treaties and legislation to each United States mission abroad. The Secretary of State shall report to the Congress, not later than six months after the date of enactment of this Act, on actions taken to carry out this section.

#### SEC. 240. REPORTING ON TRANSFER OF UNITED STATES ASSETS.

Any transfer by the United States Government to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics related criminal activity shall be subject to the regular reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961. At the end of each fiscal year, the President shall submit a report to the Congress of all such transfers during that fiscal year, including an estimate of the fair market value and physical condition of each item of property transferred.

#### SEC. 241. IMPORTANCE OF SUPPRESSING INTERNATIONAL NARCOTICS TRAFFICKING.

Section 481(a)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;"

#### SEC. 242. INFORMATION FROM OTHER AGENCIES IN ANNUAL NARCOTICS CONTROL REPORTS.

Section 481(e)(3) of the Foreign Assistance Act of 1961 is amended by adding after subparagraph (D) the following:

"(E) A section prepared by the Drug Enforcement Administration, a section prepared by the Customs Service, and a section prepared by the Coast Guard, which describes in detail—

"(i) the assistance provided or to be provided (as the case may be) to such country by that agency, and

"(ii) the assistance provided or to be provided (as the case may be) to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year."

#### SEC. 243. EXPRESSION IN NUMERICAL TERMS OF MAXIMUM ACHIEVABLE REDUCTIONS IN ILLEGAL DRUG PRODUCTION.

Section 481(e)(4) of the Foreign Assistance Act of 1961 is amended by inserting

after the second sentence the following: "Each determination of the President under the preceding sentence shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated."

#### SEC. 244. REPORTS ON ASSISTANCE DENIED.

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(7) Each report pursuant to this subsection shall describe the United States assistance for the preceding fiscal year which was denied, pursuant to subsection (h), to each major illicit drug producing country and each major drug-transit country."

#### Subtitle E—Latin American Antidrug Strike Force

#### SEC. 250. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) the operations of international illegal drug smuggling organizations pose a direct threat to the national security of the member states of the Organization of American States;

(2) illegal international drug smuggling organizations have grown so large and powerful that they threaten to overwhelm small nations standing alone against them;

(3) to preserve the national sovereignty, protect the public health, and maintain domestic law and order within their borders, member states of the Organization of American States should coordinate their efforts to fight the illegal drug trade;

(4) recent events in drug source and transit countries in the Western Hemisphere make clear the requirement for international agreement on the formation of a multinational strike force intended to conduct operations against these illegal drug smuggling organizations;

(5) the United States should make every effort to initiate diplomatic discussions through the Organization of American States or through other bilateral or multilateral fora aimed at achieving agreement to establish and operate the Latin American Antidrug Strike Force; and

(6) sensitive to the legitimate concerns of other member states of the Organization of American States, the United States stands ready to provide equipment, training, and financial resources to support the establishment and operation of this Strike Force, but believes that Strike Force personnel should be provided by those states facing the most serious threat from drug trafficking organizations.

#### SEC. 251. DEPARTMENT OF STATE.

(a) In the Office of Secretary of State, the position of Ambassador at Large and Coordinator for Western Hemisphere Antidrug Efforts is created. The Ambassador shall be appointed by the President, with the advice and consent of the Senate, and shall be the principal advisor to the Secretary regarding United States antidrug efforts in the Western Hemisphere.

(b)(1) The Ambassador at Large, under the direction of the Secretary of State, shall coordinate the efforts of all United States bureaus and agencies involved in antidrug efforts and subject to the authority of the Chief of Diplomatic Mission in all foreign states in the Western Hemisphere, with special emphasis on those activities which cross one or more national borders.

(2) The Ambassador shall from time to time report on the effectiveness of the operations of and the level of cooperation among these United States bureaus and agencies involved in antidrug efforts to the Secretary of State and to the Chairman of the National Drug Policy Board.

(3) The Ambassador at Large shall be a member of all interagency groups below the

cabinet level with authority or oversight over United States international drug policy or operations.

(c)(1) The Ambassador at Large shall undertake, under the direction of the Secretary of State, diplomatic discussions with member states of the Organization of American States aimed at securing agreement to the formation of a multinational strike force intended to conduct operations against international illegal drug trafficking organizations wherever they may be found in the Western Hemisphere.

(2) The multinational strike force shall be established by treaty or executive agreement among the participating states.

(3) The Ambassador at Large shall seek to secure participation in the strike force by those Western Hemisphere states most threatened by international illegal drug trafficking organizations.

(4) Recognizing the urgency of the situation, efforts to obtain agreement to the establishment of the strike force should be the immediate focus of a priority effort by the Ambassador at Large.

(5) Not later than six months after the Ambassador at Large assumes office, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress United States diplomatic efforts have made toward achieving agreement on the establishment of the multinational strike force.

#### SEC. 252. DEPARTMENT OF DEFENSE.

(a)(1) The Secretary of Defense shall develop a plan for the establishment, training, equipping, and operation of a multinational strike force for operations against international drug trafficking organizations wherever they are found outside the United States and its territories in the Western Hemisphere.

(2) The Joint Chiefs of Staff, in consultation with the Commander, United States Southern Command, shall develop a table of organization and equipment for a multinational strike force sized and equipped to deal with any combination of armed resistance any Western Hemisphere international illegal drug trafficking organization could offer to any combination of drug eradication, drug interdiction, or criminal apprehension operations the strike force could be called upon to undertake anywhere in the Western Hemisphere.

(3) For planning purposes, the multinational strike force shall be equipped entirely with United States-produced military or commercially available equipment.

(4) The Joint Chiefs of Staff shall develop a plan for employment of this strike force to eradicate the major coca and marijuana crop concentrations in the Western Hemisphere, to interdict the major international transportation corridors through which the illegal drug traffic moves, and to arrest the members of the major international drug trafficking organizations involved in producing, transporting, and distributing illegal drugs in the Western Hemisphere, as part of coordinated operations designed to drastically and immediately reduce the supply of cocaine, opium, and marijuana on the international market.

(b)(1) The Secretary of Defense shall develop budget-quality estimates of the cost of establishing, equipping, training, and operating the strike force planned for under subsection (a) above for the balance of fiscal year 1989; for fiscal year 1990; and for fiscal year 1991.

(2) The Secretary of Defense shall identify equipment and supplies in the United States inventory which can be provided to

this strike force pursuant to the table of organization and equipment developed by the Joint Chiefs of Staff under subsection (a) above.

(3) The Secretary of Defense shall identify training resources in the United States which will be necessary to properly train the strike force, shall develop schedules for training the national strike force developed by the Joint Chiefs of Staff under subsection (a) above, and shall develop cost estimates for transporting, training, and housing strike force personnel and their dependents in conjunction with their training.

(4) The cost estimates and plans developed under section 252 of this subtitle shall be provided to the Committees on the Budget, the Committees on Armed Services and the Committees on Appropriations, of the Senate and the House of Representatives, and the Select Committee on Narcotics Abuse and Control of the House of Representatives, and the Senate International Narcotics Control Caucus not later than ninety days after the enactment of this subtitle into law.

(c) The Assistant Secretary of Defense for International Security Affairs shall develop a plan for funding and supporting the multinational strike force developed under subsection (a) through the Defense Security Assistance Agency.

(d) Within 120 days of enactment of this Act, the President of the United States shall submit to Congress a supplemental budget request for the fiscal year ending September 30, 1989, covering the cost of operation and maintenance of the Latin American Strike Force established in this subtitle for the balance of the fiscal year: *Provided further*, That such supplemental budget request shall be consistent with the cost estimates mandated under subsection (b)(1) of this section.

#### TITLE III—DRUG INTERDICTION ASSET IMPROVEMENT AND ENHANCEMENT

#### SEC. 301. SHORT TITLE.

This title may be cited as the "National Drug Interdiction Asset Improvement and Enhancement Act of 1988".

#### Subtitle A—Coast Guard

#### SEC. 310. COAST GUARD DRUG INTERDICTION ENHANCEMENT.

There is authorized to be appropriated for Acquisition, Construction, and Improvement expenses of the Coast Guard for fiscal year 1989, \$186,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such appropriation authorized under this subtitle shall be allocated only for procurement of marine and air drug interdiction assets, including long-range AEW surveillance aircraft, and operation and maintenance expenses of the Coast Guard.

#### Subtitle B—United States Customs Service

#### SEC. 320. UNITED STATES CUSTOMS SERVICE DRUG INTERDICTION ENHANCEMENT.

(a) There is authorized to be appropriated for Operation and Maintenance, Air Interdiction Program for fiscal year 1989, \$110,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be avail-



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able for the procurement of helicopters; air detection, tracking, and interceptor aircraft; command, control, communications, and intelligence (C3I) upgrades for joint Customs-Coast Guard and other C3I centers under construction; and operation and maintenance expenses for these and other assets of the United States Customs Service's air interdiction program.

(b) There is authorized to be appropriated for salaries and expenses for fiscal year 1989, \$15,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used for the procurement, operation, and maintenance of marine interdiction vessels, and joint command centers, evaluations of new marine detection technologies, and other marine interdiction assets of the United States Customs Service.

**Subtitle C—Department of Defense Drug Interdiction Assistance**

**SEC. 330. SHORT TITLE.**

This subtitle may be cited as the "Department of Defense Drug Interdiction Assistance Act of 1988".

**SEC. 331. AUTHORIZATION.**

(a) Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1989 for enhancement of drug interdiction assistance activities of the Department as follows:

(1) for procurement of four radar aerostats, \$75,000,000;

(2) for operation and maintenance of E-2C, E-3, and other aircraft surveillance; detection; and flight hour support for drug interdiction purposes only, \$15,000,000; and

(3) for operation, maintenance, refurbishment, and support of existing surplus Department of Defense aircraft, helicopters, and other assets to be used to support requests for assistance by cooperating, drug source countries, as outlined in title II, subtitle E of this Act, \$10,000,000.

(b) The funds authorized to be appropriated in subsection (a) of this section shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989.

(c)(1) The Secretary of Defense shall make the radar aerostats acquired under subsection (a)(1) available to the appropriate Federal law enforcement agency or agencies of the United States, as designated by the National Drug Policy Board established by the National Narcotics Act of 1984.

(2) The radar aerostats shall be made available to agencies under this subsection subject to the provisions of chapter 18 of title 10, United States Code.

**Subtitle D—Drug Enforcement Administration**

**SEC. 341. DRUG ENFORCEMENT ADMINISTRATION INTERDICTION ENHANCEMENT.**

There is authorized to be appropriated for Salaries and Expenses of the Drug Enforcement Administration for fiscal year 1989, \$48,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used

for the establishment of an International Drug Interdiction helicopter force within the Drug Enforcement Administration to be utilized in joint drug interdiction operations, similar in scope and design to OPBAT, in the Bahamas and other drug source and transshipment countries that have authorized the use of joint operations featuring United States and host country law enforcement personnel in such countries for drug interdiction purposes: *Provided*, That the Administrator of the Drug Enforcement Administration shall coordinate the establishment and deployment of this International Drug Interdiction helicopter force with the Secretary of State; the Attorney General of the United States; the Secretary of the Treasury, the Secretary of Transportation, and any other law enforcement agencies of the United States with ongoing drug interdiction programs: *Provided further*, That of the appropriation authorized under this subsection, \$4,000,000 shall be allocated for the enhancement of the El Paso Intelligence Center (EPIC) to provide more tactical intelligence to the Drug Enforcement Administration and all other United States drug enforcement and interdiction agencies.

**Subtitle E—Immigration and Naturalization Service/Border Patrol**

**SEC. 351. BORDER PATROL DRUG INTERDICTION ENHANCEMENT.**

There is authorized to be appropriated for Salaries and Expenses of the Border Patrol within the Department of Justice for fiscal year 1989, \$20,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used only for procurement of drug interdiction-related equipment for Border Patrol drug enforcement personnel, including spare parts for helicopters; 4-wheel drive law enforcement vehicles; and initial procurement of mobile sensor response system and electronic intrusion detection, and for related operation and maintenance expenses.

**Subtitle F—Establishment of Interagency Southwest Border Drug Interdiction Mobile Corridor Task Force**

**SEC. 361. AUTHORIZATION OF APPROPRIATIONS.**

(a) There is established an Interagency Southwest Border Drug Interdiction Mobile Corridor Task Force, consisting of drug enforcement officers of the United States Border Patrol, United States Customs Service, and the United States Drug Enforcement Administration. Such interagency task force shall consist of 100 full-time positions of the United States Border Patrol; 25 full-time positions of the United States Customs Service; and 25 full-time positions of the United States Drug Enforcement Administration.

(b) The full-time positions identified in subsection (a) shall be used to establish 2 mobile corridor operations units to be deployed along the southwest border between the ports of entry.

(c) The purpose of the task force established in subsection (a) of this section is—

(1) to conduct joint drug interdiction operations between the ports of entry along the southwest border of the United States, from Texas to California;

(2) to assist and augment other law enforcement agencies personnel along the southwest border in the interdiction of illegal drugs and arrest of narcotics traffickers; and

(3) to assist State and local law enforcement officials along the southwest border of the United States in the interdiction of illegal drugs and the arrest of narcotics traffickers.

(d) There is authorized to be appropriated for fiscal year 1989, \$15,000,000 to the Department of Justice for the salaries and expenses of the task force established in subsection (a) of this section, including reimbursement for expenses incurred by State and local law enforcement agencies in joint operations conducted with the task force. Such amount authorized to be appropriated shall be in addition to any appropriations provided for the United States Customs Service and the United States Border Patrol, and the Drug Enforcement Administration in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989, or as authorized in this Act.

(e) The Secretary of the Treasury, the Attorney General of the United States, or their designees, shall establish a joint command structure necessary to assure complete cooperation and coordination in carrying out the duties and mission of the task force established by this section.

(f) The joint commanders of the task force established under this section shall make regular written reports to the appropriate committees of the Congress regarding the specific operations and expenditures of the task force.

**Subtitle G—United States-Bahamas Drug Interdiction Task Force**

**SEC. 362. REAUTHORIZATION OF UNITED STATES-BAHAMAS DRUG INTERDICTION TASK FORCE PROGRAMS.**

(a) There is authorized to be appropriated for the United States-Bahamas Drug Interdiction Task Force established by section 3301 of subtitle E of title III of the Antidrug Abuse Act of 1986 (21 U.S.C. 801 note) for fiscal year 1989, in addition to any other amounts authorized to be appropriated in this title, \$13,000,000 for the following:

(1) \$11,000,000 for procurement, operation, and maintenance of additional marine interdiction vessels;

(2) \$1,000,000 for improvement of communications, command and control, and intelligence capabilities for the Task Force; and

(3) \$1,000,000 to increase drug enforcement training for Bahamian law enforcement personnel.

(b) The Attorney General of the United States shall continue to report to the appropriate committees of Congress on a quarterly basis regarding the progress of the United States-Bahamas Drug Interdiction Task Force.

(c) Programs authorized by this section may be carried out only with the concurrence of the Secretary of State.

**Subtitle H—Special Drug Interdiction Support**

**SEC. 372. SPECIAL ASSISTANCE TO PUERTO RICO.**

There is authorized to be appropriated to the Government of Puerto Rico, through the Department of the Treasury, "Payment to the Government of Puerto Rico" grant program for fiscal year 1989, \$7,000,000: *Provided*, That such amount shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used for the procurement of air and marine drug interdiction aircraft; vessels; and for related drug interdiction operation and maintenance purposes.

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## SEC. 373. SPECIAL ASSISTANCE TO JAMAICA.

There is authorized to be appropriated to the Government of Jamaica, through existing or new grant mechanisms under the authority of the Secretary of State for fiscal year 1989, \$7,000,000: *Provided*, That such amount shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used for the procurement of air and marine drug interdiction equipment, including radar, and for related drug interdiction operation and maintenance purposes.

## SEC. 374. SPECIAL ASSISTANCE TO THE DOMINICAN REPUBLIC.

There is authorized to be appropriated to the Government of the Dominican Republic for fiscal year 1989, through existing or new grant mechanisms under the authority of the Secretary of State, \$5,000,000: *Provided*, That such amount shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used only for the procurement of air and marine drug interdiction equipment, including radar, and for related drug interdiction operation and maintenance purposes.

## SEC. 375. SPECIAL ASSISTANCE TO HAWAII.

There is authorized to be appropriated through the Drug Enforcement Administration to the State of Hawaii for fiscal year 1989, \$7,000,000: *Provided*, That such amount shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used only for the procurement of air and marine drug interdiction and eradication equipment, including aircraft and radar, and for related drug interdiction and eradication operation and maintenance purposes.

## SEC. 376. REPORTING REQUIREMENTS FOR RECIPIENTS OF SPECIAL ASSISTANCE SUPPORT.

The Federal departments or agencies providing grants for special drug interdiction assistance authorized under this subtitle shall make periodic written reports to the appropriate committees of Congress regarding the status of the procurement of resources and related operation and maintenance expenditures authorized under this subtitle.

## TITLE IV—DEMAND REDUCTION

## Subtitle A—Treatment and Rehabilitation

## SEC. 401. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) Section 516(a)(1) of the Public Health Service Act (42 U.S.C. 290cc-1) is amended (1) by striking out "and" at the end of clause (A); (2) by striking out the semicolon and the word "and" at the end of clause (B) and inserting in lieu thereof a comma and the word "and"; and (3) by inserting immediately after clause (B) the following:

"(C) the treatment and rehabilitation of drug dependent offenders who could otherwise be subject to incarceration; and".

(b) Section 516(b) of such Act is amended by inserting immediately before the period at the end thereof the following: "or mental illness".

(c) Section 516(c) of such Act is amended by striking out "No" and inserting in lieu thereof "Except in the case of grants pursuant to subsection (a)(1)(C), no".

(d) Section 516 of such Act is amended by adding at the end thereof the following new subsection:

"(d)(1) For purposes of subsection (a)(1)(C), grants or contracts awarded pursuant thereto shall emphasize the development, improvement or expansion of community based residential treatment services such as therapeutic communities and halfway houses and other programs which can provide treatment alternatives to incarceration.

"(2) Such grants or contracts may include funds to purchase or improve land, and to purchase, construct or permanently improve any building or other facility.

"(3) For purposes of this subsection, the term 'therapeutic community' means a stratified community composed of peer groups offering a systematic approach to achieve its main rehabilitative objective, which is guided by an explicit perspective on the drug abuse disorder, the client, and recovery."

(e) Section 517 of such Act is amended by designating the existing text thereof as subsection (a) and adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated to carry out subsection (a)(1)(C) of this section, \$20,000,000 for each of the fiscal years 1989, 1990, and 1991."

## Subtitle B—Alcohol and Drug Abuse Treatment and Rehabilitation

## SEC. 410. SHORT TITLE REFERENCE.

This subtitle may be cited as the "Alcohol and Drug Abuse Treatment and Rehabilitation Improvement Act of 1988".

## SEC. 411. AUTHORIZATION OF APPROPRIATIONS FOR ALCOHOL AND DRUG ABUSE TREATMENT, FISCAL YEAR 1989, FISCAL YEAR 1990, FISCAL YEAR 1991.

(a) There is authorized to be appropriated \$558,860,000 for the basic Alcohol, Drug Abuse and Mental Health Bloc Grant Program as contained in part B of title 19 of the Public Health Services Act (42 U.S.C. 300x, et seq.), for the fiscal year ending September 30, 1989: *Provided*, That of this amount no less than 49 per centum shall be available for alcohol and drug abuse programs.

(b) There is authorized to be appropriated \$600,000,000 for substance abuse emergency drug treatment programs for the fiscal year ending September 30, 1989: *Provided*, That these emergency substance abuse drug treatment funds shall be targeted to those States and communities where the substance abuse problem is most acute, based on the best available data of the Alcohol, Drug Abuse, Mental Health Administration (ADAMHA).

(c) For the fiscal year ending September 30, 1990, there is authorized to be appropriated \$583,000,000 for the basic Alcohol, Drug Abuse, and Mental Health Bloc Grant Program as contained in part B of title 19 of the Public Health Services Act (42 U.S.C. 300x, et seq.): *Provided*, That of this amount no less than 49 per centum shall be made available for alcohol and drug abuse treatment and rehabilitation programs.

(d) For the fiscal year ending September 30, 1990, there is authorized to be appropriated \$625,000,000 for Substance Abuse Emergency Drug Treatment Programs as contained in part C of title 19 of the Public Health Services Act (42 U.S.C. 300y): *Provided*, That these emergency substance abuse drug treatment funds shall be targeted to those States and communities within those States where the substance abuse

problem is most acute, based on the best available data of the Alcohol, Drug Abuse, Mental Health Administration (ADAMHA) for the most recent calendar year.

(e) For the fiscal year ending September 30, 1991, there is authorized to be appropriated, \$608,000,000 for such basic Alcohol, Drug Abuse and Mental Health Bloc Grant Program: *Provided*, That of this amount no less than 49 per centum shall be made available for alcohol and drug abuse treatment and rehabilitation programs.

(f) For the fiscal year ending September 30, 1991, there is authorized to be appropriated, \$650,000,000 for such Substance Abuse Emergency Drug Treatment Programs: *Provided*, That these emergency substance abuse drug treatment funds shall be targeted to those States, and communities within those States, where the substance abuse problem is most acute, based on the best available data of the Alcohol, Drug Abuse, Mental Health Administration (ADAMHA) for the most recent calendar year.

## SEC. 412. REQUIREMENT FOR STATES TO DEVELOP STATEWIDE SUBSTANCE ABUSE TREATMENT FACILITIES PLANS.

All States eligible to receive basic and emergency Alcohol, Drug Abuse, Mental Health Administration bloc grants shall develop Statewide substance abuse treatment facilities plans and are hereby authorized to expend up to 1.5 percent of their basic and emergency bloc grant allocations for the development and preparation of such Statewide plans.

## SEC. 413. AUTHORIZATION FOR USE OF BLOC GRANT FUNDS FOR ACQUISITION, CONSTRUCTION, AND/OR RENOVATION OF DRUG TREATMENT AND REHABILITATION FACILITIES.

Any State eligible to receive such basic and emergency bloc grants referred to in section 412 is authorized to use up to 40 per centum of its basic and emergency bloc grant allocations for the acquisition, construction, or renovation of substance abuse treatment facilities determined to be needed in such State as identified in the Statewide substance abuse treatment facilities plans required under section 412 of this subtitle.

## Subtitle C—Amendments to the Drug-Free Schools and Communities Act

## SEC. 421. DRUG-FREE SCHOOLS REAUTHORIZATION.

Section 4111(a) of the Drug-Free Schools and Communities Act of 1986 (hereafter in this title referred to as the "Act") is amended to read as follows:

"(a) There are authorized to be appropriated \$250,000,000 for fiscal year 1988, \$300,000,000 for fiscal year 1989, \$350,000,000 for fiscal year 1990, and \$350,000,000 for fiscal year 1991 to carry out the provisions of this Act."

## SEC. 422. STATE PROGRAM—LOCAL ALLOTMENTS.

The second sentence of section 4124(a) of the Act is amended by striking out "the relative numbers of children in the school-age population within such areas" and inserting in lieu thereof "the relative enrollments in public and private, nonprofit schools within the areas served by such agencies".

## SEC. 423. STATE PROGRAM—PARTICIPATION OF TEACHERS IN PRIVATE NONPROFIT SCHOOLS.

Section 4143(b) of the Act is amended by striking out "State, State educational agency, or State agency for higher education" and inserting in lieu thereof "State, agency, or consortium".

## SEC. 424. STATE PROGRAM—LOCAL APPLICATIONS.

Section 4126(a)(2) of the Act is amended—(1) by redesignating subparagraphs (D) through (J) as subparagraphs (G) through (M), respectively; and

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(2) by inserting after subparagraph (C) the following new subparagraphs:

"(D) describe the extent and nature of the current illegal drug and alcohol problem in each school of the applicant, including detailed information that shows—

"(i) the number or percentage of students who use drugs or alcohol;

"(ii) the grade level of those students;

"(iii) the types of drugs they use; and

"(iv) how the applicant obtained this information;

"(E) describe the applicant's drug and alcohol policy, including an explanation of—

"(i) the disciplinary practices and procedures it will strictly enforce to eliminate the sale or use of drugs and alcohol on school premises; and

"(ii) how it will convey to students the message that drug use is not permissible;

"(F) describe how the applicant will monitor the effectiveness of its program;"

(b) Section 4126 of the Act is further amended by adding at the end thereof the following new subsection:

"(b)(1) In order to receive funds under this Act for the third year of its plan, an applicant shall submit to the State educational agency a progress report on the first 2 fiscal years of its plan. The progress report shall describe in detail—

"(A) the applicant's significant accomplishments under the plan during the preceding 2 years; and

"(B) the extent to which the original objectives of the plan are being achieved, including the extent to which there has been a reduction in the number of students who use drugs and alcohol.

"(2) The State educational agency shall not award funds under this Act to an applicant for the third year of its plan unless the State educational agency determines that the applicant's progress report shows that it is making reasonable progress toward accomplishing the objectives of its plan and the purposes of this Act. If the State educational agency determines that reasonable progress is not being made, the State educational agency shall instruct the applicant in writing to modify its plan so as to provide reasonable assurance of such progress. If after 90 days the applicant has not submitted to the State educational agency a modified plan which provides such assurance, the State educational agency may reallocate the applicant's funds to other applicants on the basis of need."

## SEC. 425. STATE PROGRAM—REPORTS.

Part 2 of the Act is amended by adding at the end thereof the following new section:

"SEC. 4127. STATE REPORTS.

"Each State shall submit to the Secretary an annual report, at such time and in such form as the Secretary may prescribe, that contains information on the State or local programs the State conducts under this subtitle, including—

"(1) data on the number and characteristics of program recipients and the persons who participated in their programs; and

"(2) an assessment of the degree to which those programs accomplished their goals, including their impact upon drug and alcohol use by students."

## SEC. 426. NATIONAL PROGRAMS—GRANTS AND CONTRACTS.

(a) The third sentence of section 4132(b) of the Act is amended by inserting "directly, or through grants, cooperative agreements, or contracts" immediately after "shall".

(b) Section 4134(a) of the Act is amended by striking out "enter into" and inserting in lieu thereof "make grants to or enter into cooperative agreements or".

(c) Section 4135 of the Act is amended by inserting a comma and "through grants, co-

operative agreements, or contracts," immediately after "Secretary".

## SEC. 427. EVALUATION.

Section 4132(d) of the Act is amended by adding at the end thereof the following new sentence: "In addition, the Secretary may conduct periodic evaluations of programs authorized by this Act."

## SEC. 428. GOVERNOR'S PROGRAM—ADMINISTRATIVE COSTS.

Section 4122 of the Act is amended by adding at the end thereof the following new subsection:

"(c) Not more than 2.5 percent of the amount reserved under section 4121(a) shall be available to pay for the administrative costs of the chief executive officer in meeting his or her responsibilities under this part."

## SEC. 429. GOVERNOR'S PROGRAM—HIGH RISK YOUTH.

Section 4122(b)(1) of the Act is amended—

(1) in the first sentence therein by inserting "that are designed" immediately before "for high risk youth."; and

(2) by adding immediately after the first sentence therein the following new sentence: "A small number of individuals who are not high risk youth may participate in such programs if their participation does not significantly diminish the amount or quality of services provided to high risk youth."

## SEC. 430. LOCAL PROGRAMS—DRUG TREATMENT.

Section 4125(a)(5) of the Act is amended to read as follows:

"(5) referral programs for drug abuse treatment and rehabilitation;"

## SEC. 431. EFFECTIVE DATE.

(a) The provisions of this subtitle shall take effect 30 days from the date of enactment of this Act.

(b) Notwithstanding subsection (a), a State educational agency may allot fiscal year 1989 funds to local and intermediate educational agencies and consortia under section 4124(a) of the Act on the basis of their relative numbers of children in the school-aged population.

## TITLE V—NATIONAL DRUG ENFORCEMENT AGENCY REORGANIZATION AND COORDINATION

Subtitle A—Establishment of Office of Enforcement and Border Affairs in Department of Treasury

## SEC. 501. SHORT TITLE.

This title may be cited as the "National Border Coordination and Reorganization Act of 1988".

## SEC. 502. DEFINITIONS.

As used in this title—

(1) the term "Office" means the Office of Enforcement and Border Affairs of the Department of the Treasury established by part A of this title;

(2) the term "Commandant" means the Commandant of the Coast Guard;

(3) the term "Secretary" means the Secretary of the Treasury;

(4) the term "Under Secretary" means the Under Secretary of the Treasury for Enforcement and Border Affairs appointed under section 5102(a); and

(5) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

## PART A—ESTABLISHMENT AND OFFICERS

## SEC. 503. ESTABLISHMENT OF OFFICE.

There is established within the Department of the Treasury an office to be known as the Office of Enforcement and Border Affairs, which shall consist of—

(1) the office in the Department of the Treasury known on the day before the date of the enactment of this Act as the Office of

the Assistant Secretary of the Treasury for Enforcement; and

(2) the Coast Guard, as transferred by section 508.

## SEC. 504. UNDER SECRETARY FOR ENFORCEMENT AND BORDER AFFAIRS.

(a) The head of the Office of Enforcement and Border Affairs established by section 503 shall be the Under Secretary of the Treasury for Enforcement and Border Affairs, who shall—

(1) be appointed by the President, by and with the advice and consent of the Senate; and

(2) report directly to the Secretary of the Treasury.

(b) The Under Secretary shall be paid at the rate of basic pay payable for level III of the Executive Schedule.

## SEC. 505. OFFICE OF BORDER MANAGEMENT AFFAIRS.

(a) There shall be within the Office of Enforcement and Border Affairs an office to be known as the Office of Border Management Affairs.

(b)(1) The head of the Office of Border Management Affairs shall be the Assistant Secretary of the Treasury for Border Management Affairs, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate; and

(B) report directly and be responsible to the Under Secretary.

(2) The Assistant Secretary of the Treasury for Border Management Affairs shall be responsible for overseeing all activities of agencies and personnel under the jurisdiction of the Office of Enforcement and Border Affairs, other than activities relating directly to narcotics interdiction.

(3) The Assistant Secretary of the Treasury for Border Management Affairs shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

## SEC. 506. OFFICE OF NARCOTICS INTERDICTION.

(a) There shall be within the Office of Enforcement and Border Affairs an office to be known as the Office of Narcotics Interdiction.

(b)(1) The head of the Office of Narcotics Interdiction shall be the Assistant Secretary of the Treasury for Narcotics Interdiction, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate; and

(B) report directly and be responsible to the Under Secretary.

(2) The Assistant Secretary of the Treasury for Narcotics Interdiction shall be responsible for overseeing all narcotics interdiction activities of agencies and personnel under the jurisdiction of the Office of Enforcement and Border Affairs.

(3) The Assistant Secretary of the Treasury for Narcotics Interdiction shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

## SEC. 507. CONFORMING AMENDMENTS.

(a) Section 301(e) of title 31, United States Code, is amended by striking "7" the first place that number appears and inserting in lieu thereof "9".

(b) Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of the Treasury (or Counselor)." the following:

"Under Secretary of the Treasury for Enforcement and Border Affairs."

(c) Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of the Treasury (7)" and inserting in lieu thereof the following:

"Assistant Secretaries of the Treasury (9)."

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## PART B—TRANSFER OF COAST GUARD TO OFFICE OF ENFORCEMENT AND BORDER AFFAIRS

## SEC. 508. TRANSFER OF COAST GUARD.

(a) With respect to operation of the Coast Guard other than as a service in the Navy, the Coast Guard is transferred from the Department of Transportation to the Office of Enforcement and Border Affairs of the Department of the Treasury.

(b) Nothing in this title shall be considered to affect—

(1) the operation of the Coast Guard as a service in the Navy; or

(2) the respective duties, with respect to the Coast Guard, of the Secretary of Defense and the Secretary of the Navy.

## SEC. 509. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) The civilian personnel of the Department of Transportation employed in connection with the Coast Guard, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Transportation in connection with the Coast Guard and the functions and offices transferred by this part, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Office for appropriate allocation by the Secretary. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b)(1) The transfer under this part of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer to the Office.

(2) Any person who, on the day preceding the effective date of this part, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Office to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c)(1) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, shall make such determinations as may be necessary with regard to the functions, offices, or portions thereof transferred by this part, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to carry out this part.

(2) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget may, at such time as the Director of the Office of Management and Budget provides, make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with functions and offices transferred by this part.

## SEC. 510. SAVINGS PROVISIONS.

(a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, the Commandant, any Federal entity or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this part, and

(2) which are in effect at the time this part takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the law by the President, the Commandant, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) This part shall not affect any proceeding, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this part before any Federal entity and applications, to the extent that they relate to functions transferred under this part, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this part had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Commandant, the Secretary, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this part had not been enacted.

(2) The Secretary may promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Office.

(c) No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by this part, shall abate by reason of the enactment of this part. No cause of action by or against any department or agency, functions of which are transferred by this part, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this part.

(d)(1) Except as provided in paragraph (2)—

(A) this part shall not affect suits commenced before the effective date of this part, and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this part had not been enacted.

(2) If, before the date on which this part takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this part any function of such department, agency, or officer is transferred, then such suit shall be continued with the Secretary or other appropriate official of the Office substituted or added as a party.

(e) Orders and actions of the Commandant and the Secretary in the exercise of functions transferred under this part shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer.

(f) Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this part shall apply

to the exercise of such function by the Commandant or the Secretary.

## SEC. 511. REFERENCE.

With respect to any function transferred by this part and exercised on or after the effective date of this part, reference in any other Federal law to the Secretary of Transportation shall be deemed to refer to the Secretary of the Treasury.

## SEC. 512. TRANSITION.

With the consent of the Secretary of Transportation, the Commandant and the Secretary may use the services of such officers, employees, and other personnel of the agencies or offices from which functions or offices have been transferred and funds appropriated to such functions or offices for such period of time as may reasonably be needed to facilitate the orderly implementation of this part.

## SEC. 513. BUDGET FUNCTIONAL CATEGORY FOR COAST GUARD.

(a) **PRESIDENT'S BUDGET.**—For fiscal years beginning with the fiscal year 1990, the President shall, in accordance with section 1104(c) of title 31, United States Code, include the Coast Guard (including all accounts funding the operations and activities of the Coast Guard) within functional category 750 for purposes of the budget of the United States Government submitted by the President pursuant to section 1105 of title 31, United States Code.

(b) **BUDGET RESOLUTION.**—Any concurrent resolution on the budget considered under title III of the Congressional Budget Act of 1974 for fiscal years beginning with fiscal year 1989 shall use functional category 750 established by the President under subsection (a) in specifying the appropriate level of new budget authority and budget outlays for the Coast Guard.

## SEC. 514. EFFECTIVE DATE.

This part shall take effect 30 days from the date of enactment of this Act.

## Subtitle B—Department of Defense Drug Interdiction Reorganization

## SEC. 520. DRUG INTERDICTION SUPPORT.

(a) Section 136 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(e) Within the Office of the Assistant Secretary of Defense for International Security Affairs there shall be a Deputy Assistant Secretary of Defense for International Drug Interdiction and Enforcement who shall be appointed from civilian life by the President, with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for International Security Affairs, the Deputy Assistant Secretary shall have as his principal duty the overall supervision (including oversight of policy and resources) of Department of Defense drug interdiction and enforcement activities (as defined in section 381 of this title).”

(b) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 381. Drug interdiction and enforcement activities: definition

“Department of Defense drug interdiction and enforcement activities are those activities conducted in cooperation with civilian law enforcement officials under the provisions of sections 371-379, inclusive, of title 10, United States Code.”

(c) The table of sections at the beginning of chapter 18, of title 10, United States Code, is amended by adding at the end the following:

“381. Drug interdiction and enforcement activities: definition.”



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Subtitle C—Establishment of a Senate Select Committee on Narcotics Abuse and Control

## SEC. 530. SELECT COMMITTEE.

(a)(1) There is established in the Senate of the United States a select committee to be known as the "Senate Select Committee on Narcotics Abuse and Control" (hereinafter in this subtitle referred to as the "Senate select committee"). The Senate select committee shall be composed of 15 Members of the Senate.

(2) Members of the Senate select committee shall be appointed by the majority and minority leaders of the Senate. One member of the Senate select committee shall be designated by the majority leader to serve as chairman of the Senate select committee.

(3) At least one member of the Senate select committee shall be chosen from each of the following committees of the Senate: The Committee on Armed Services, the Committee on Government Affairs, the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Finance, and the Committee on Labor and Human Resources.

(4) Any vacancy occurring in the membership of the Senate select committee shall be filled in the same manner as the original appointment.

(b) The chairman of the Senate select committee may establish such subcommittees of the select committee as he considers appropriate. Any such subcommittee shall be composed of not less than four members of the select committee.

## SEC. 531. LEGISLATIVE JURISDICTION.

The Senate select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of narcotics abuse and control, including, but not limited to, international trafficking, enforcement, prevention, narcotics-related violations of the Internal Revenue Code of 1986, international treaties, organized crime, use of the military in drug interdiction, drug abuse in the Armed Forces of the United States, treatment and rehabilitation, civilian drug interdiction programs, and the approach of the criminal justice system with respect to narcotics law violations and crimes related to drug abuse; and

(2) to review any recommendations made by the President or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics abuse or control.

## SEC. 532. AUTHORITY OF SELECT COMMITTEE.

(a) For purposes of this subtitle, the Senate select committee, or any subcommittee thereof authorized by the select committee, may sit and act at such times and places as it considers appropriate whether the Senate is sitting, has recessed, or has adjourned.

(b) For purposes of this subtitle, the Senate select committee, or any subcommittee thereof authorized by the select committee to hold hearings, may hold such hearings, and may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it considers necessary. Subpoenas may be issued under the signature of the chairman of the Senate select committee or any member of the select committee designated by him, and may be served by any person designated by such chairman or member.

(c) A majority of the members of the Senate select committee shall constitute a

quorum for the transaction of business, except that the select committee may designate a lesser number as a quorum for the purpose of taking testimony. The chairman of the Senate select committee, or any member of the select committee designated by him, may administer oaths or affirmations to any witness.

(d) The Senate select committee and any subcommittee thereof and its staff may conduct field investigations or inspections. Members and staff of the select committee may engage in such travel as may be necessary to conduct investigations relating to the purpose of this subtitle.

## SEC. 533. STAFF.

The Senate select committee may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this subtitle. The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee, other than expenses in connection with meetings of the select committee or any subcommittee thereof held in the District of Columbia.

## SEC. 534. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$400,000 in fiscal year 1989, \$500,000 in fiscal year 1990, and \$600,000 in fiscal year 1991 for salaries and expenses of the Senate select committee established by this subtitle.

## SEC. 535. REPORT.

(a) The Senate select committee shall report to the Senate with respect to the results of any investigation conducted by the select committee, or any subcommittee thereof, under section 532(d).

(b) The Senate select committee shall submit an annual report to the Senate which shall include a summary of the activities of the select committee during the calendar year to which such report applies.

(c) Any report of the Senate select committee under this section which is submitted during a period in which the Senate is not in session shall be filed with the Secretary of the Senate.

TITLE VI—RESEARCH AND DEVELOPMENT FOR LAW ENFORCEMENT AGENCIES

Subtitle A—Establishment of New Research and Development Programs to Assist Federal Law Enforcement Agencies

## SEC. 601. ESTABLISHMENT OF A RESEARCH AND TECHNOLOGY GROUP UNDER THE NATIONAL DRUG POLICY BOARD.

(a) The Attorney General of the United States shall establish a Research and Technology Group under the National Drug Policy Board. Such group shall be responsible for reviewing the research, development, technology, and evaluation (R, D, T, & E) programs of the Department of Defense and the research and development programs of other nondefense Federal agencies to assess their applicability to the operations, programs, and missions of the Federal law enforcement agencies. Such group shall consist of members of the Department of the Treasury, Department of Transportation, Department of Justice, Department of Defense, and other appropriate Departments and agencies, at the Assistant Secretary level.

(b) The Attorney General shall appoint an Executive Director of the group established by subsection (a), with responsibility for the daily operations of the group and for such other purposes as may be determined by the Attorney General to assure the effective operation of the group.

(c) The Attorney General shall establish a Research, Technology and Acquisition Advisory Board, reporting to the Research and Technology Group established in subsection (a) of this section, and shall be composed of representatives from academia, private industry, and agencies of the United States. The Advisory Board shall make recommendations to the National Drug Policy Board through the Research and Technology Group, including, but not limited to recommendations of how existing and new research and development findings can be applied to the missions of Federal law enforcement agencies; potential program options for such Federal law enforcement agencies; and funding alternatives developed from reviews of technology bases, ongoing programs, operational needs and special studies assigned by the National Drug Policy Board. The Advisory Board shall also be directed by the Attorney General to serve as an advocacy group for the efforts of the new National Technology Development Centers established in section 602 of this subtitle, including, but not limited to, support for enhanced funding for the Centers.

(d) The Attorney General shall designate a Chairman of the Research and Technology Group established in subsection (a) and conduct an election of a Chairman of the Research, Technology and Acquisition Advisory Board from among the members of such Advisory Board, within 30 days of formation of the Advisory Board.

## SEC. 602. ESTABLISHMENT OF NATIONAL TECHNOLOGY DEVELOPMENT CENTERS.

(a) The President of the United States shall designate and establish within existing facilities of the Department of Defense, the Department of Justice, the Department of Energy, National Security Agency, and the Central Intelligence Agency, no fewer than eight, new "National Technology Development Centers" to develop technologies for application to Federal law enforcement agency missions. Such National Centers shall provide research, development, technology and evaluation (R, D, T, & E) support to the parent agency or department and the law enforcement agencies of the Federal Government.

(b) The following existing United States Government facilities shall be redesignated as "National Technology Development Centers":

(1) For night vision research and development—Department of Defense, Army Materiel Command, Night Vision Laboratory at Fort Belvoir, Virginia;

(2) For ground sensor research and development—Department of Defense, Army Materiel Command, Communications Electronic Command, Fort Monmouth, New Jersey;

(3) For physical/electronic security research and development—Department of Defense, Air Force Systems Command, Electronic Systems Division, Hanscom Field, Massachusetts;

(4) For imaging/electronic surveillance research and development—Central Intelligence Agency and National Security Agency, Washington, D.C.;

(5) For chemical/biosensor research and development—Department of Defense, Army Materiel Command, Chemical Research Development and Engineering Center, Aberdeen, Maryland;

(6) For chemical/molecular detector research and development—Department of Energy, Sandia National Laboratories, Albuquerque, New Mexico;

(7) For physical/electronic surveillance and tracking, research and development—Department of Justice, Federal Bureau of Investigation and Drug Enforcement Administration, Washington, D.C.; and

(8) For explosives ordnance detection research and development—Department of Defense, Naval Ordnance Station, Indian Head, Maryland.

(c) The President shall direct the appropriate department or agency head to revise the statutory charter of each of such redesignated National Centers and submit appropriate recommendations for legislation, if necessary, to the Congress to implement the designation of such National Technology Development Centers by no later than the end of the fiscal year ending September 30, 1989. The President shall direct the Director of the Office of Management and Budget to prepare a supplemental budget request to be submitted to Congress no later than 90 days from the date of the enactment of this Act, to fund the appropriate initial salaries and expenses required for each of the eight new Centers established in subsection (b) of this section for the fiscal year ending September 30, 1989.

(d)(1) The President shall direct each of the Federal law enforcement agencies of the Government to assign at least two technology advisors within such agencies, to serve as liaison officers to the new National Technology Development Centers.

(2) Each Federal law enforcement agency shall assign sufficient fulltime positions to the National Technology Development Centers that meet that particular agency's mission requirements, including support staff to enhance that agency's contribution to the Centers.

(e) Beginning in the fiscal year ending September 30, 1990, no less than .002 of the aggregate research, development, technology, and evaluation (R, D, T, & E) budget of the Department of Defense and the service branches of the Armed Forces of the United States shall be made available to support the research and development activities conducted at the new National Technology Development Centers for the Federal law enforcement agencies.

(f) Beginning in the fiscal year ending September 30, 1991, a separate line item budget account shall be established and maintained for each of the eight designated National Technology Development Centers designated by this subtitle.

(g) The Comptroller General of the United States shall monitor the establishment of the National Technology Development Centers as authorized and mandated in this section, and shall report periodically to the appropriate committees of Congress on the progress of the implementation of these newly designated Centers.

#### Subtitle B—Cargo Container Drug Detection Research and Development

#### SEC. 603. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

(a) There is authorized to be appropriated to the United States Customs Service for fiscal year 1989, \$5,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used only for accelerating the development and availability of X-ray detection, nitrate detection, or other technologies to be utilized for the detection of illegal narcotics in cargo containers entering the United States at seaports, airports, and land borders.

(b) The Commissioner of Customs shall coordinate and share the findings of the research and development authorized in subsection (a) with other Federal departments

and agencies with possible mission requirements for such technology, including, but not limited to the Federal Aviation Administration and U.S. Coast Guard in the Department of Transportation; the Drug Enforcement Administration in the Department of Justice; and the appropriate State, and local law enforcement agencies, including airport authorities, port authorities, and other interested parties.

(c) The Commissioner of Customs shall report his findings in either classified, or unclassified form, to the appropriate Committees of Congress in conjunction with the President's submission of his fiscal year 1990 Budget of the United States.

#### TITLE VII—DRUG ENFORCEMENT TRAINING IMPROVEMENT

##### Subtitle A—The Federal Law Enforcement Training Center Improvement Act of 1988

#### SEC. 701. SHORT TITLE: AUTHORIZATION OF APPROPRIATIONS.

(a) This subtitle may be cited as the "Federal Law Enforcement Training Center Improvement Act of 1988".

(b) There is authorized to be appropriated for salaries and expenses of the Federal Law Enforcement Training Center for fiscal year 1989, \$10,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used by the Center to increase the level of drug enforcement training, including basic and advanced training, for Federal, State, and local law enforcement officers: *Provided further*, That, on a space available, cost reimbursable basis, the Center shall, to the extent practical, increase the level of training for drug enforcement officers from foreign countries that are cooperating with the law enforcement agencies of the United States Government.

(c) There are authorized to be appropriated for salaries and expenses of the Federal Law Enforcement Training Center, \$45,000,000 for the fiscal year ending September 30, 1990, and \$50,000,000 for the fiscal year ending September 30, 1991: *Provided*, That in each fiscal year addressed in this subsection, support for the State and local law enforcement training program and the training programs for drug enforcement officers from foreign countries shall be maintained at no less than the level of support in the fiscal year ending September 30, 1989.

(d) The Secretary of the Treasury is directed to expand the advanced training programs for Federal law enforcement agencies at the Marana, Arizona, satellite facility of the Federal Law Enforcement Training Center, within the total amount of appropriations authorized for fiscal years 1989, 1990, and 1991.

(e) The Secretary of the Treasury is directed to report in writing to the appropriate committees of the Congress by no later than 90 days from the date of enactment of this Act with his preliminary plans for the increased training activities at the Federal Law Enforcement Training Center facilities to be funded with the additional appropriations authorized in subsection (b) of this section, and the authorized level of appropriations contained in subsection (c).

##### Subtitle B—Department of Justice Training Facilities Improvement Act of 1988

#### SEC. 702. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR IMPROVEMENT AND EXPANSION OF DEPARTMENT OF JUSTICE LAW ENFORCEMENT TRAINING FACILITIES.

(a) This subtitle may be cited as the "Department of Justice Training Facilities Improvement Act of 1988".

(b) There is authorized to be appropriated for the existing law enforcement training facilities of the Department of Justice for fiscal year 1989, \$10,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used only for improvement of those facilities that are normally utilized for drug enforcement training activities.

(c) There is authorized to be appropriated for the expansion of law enforcement training facilities of the Department of Justice and for new training facilities of the Department of Justice for fiscal year 1989, \$10,000,000: *Provided*, That such expanded or new training facilities shall be primarily for basic and advanced training of drug enforcement personnel of the Department of Justice.

(d) The Attorney General of the United States is directed to report in writing to the appropriate committees of Congress by no later than 90 days from the date of enactment of this Act with his preliminary plans for the training facility improvements authorized in subsections (b) and (c).

##### Subtitle C—Federal Law Enforcement Language Training Improvement Act of 1988

#### SEC. 703. FOREIGN LANGUAGE TRAINING.

(a) The Department of Defense is authorized to provide, on a cost reimbursable basis, foreign language training at the Defense Language Institute to special agents of Federal civilian agencies involved in drug law enforcement.

(b) The Department of State is authorized to provide, on a cost reimbursable basis, foreign language training at the Foreign Service Institute to special agents of Federal civilian agencies involved in drug law enforcement.

(c) The Drug Enforcement Agency is authorized to—

(1) detail special agent personnel for foreign language training to the Defense Language Institute or the Foreign Service Institute; and

(2) reimburse, from appropriated funds, the Departments of Defense and State for the cost of training provided.

(d) The Customs Service is authorized to—

(1) detail special agent personnel for foreign language training to the Defense Language Institute or the Foreign Service Institute, or both; and

(2) reimburse, from appropriated funds, the Departments of Defense and State for the cost of training provided.

(e) The Immigration and Naturalization Service is authorized to—

(1) detail investigative personnel for foreign language training to the Defense Language Institute or the Foreign Service Institute; and

(2) reimburse, from appropriated funds, the Departments of Defense and State for the cost of training provided.

(f) The following amounts are authorized to be appropriated to implement the provisions of this section:

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(1) to the Commissioner of Customs, only for obligation for special agent foreign language training, \$5,000,000;

(2) to the Administrator of the Drug Enforcement Administration, only for obligation for special agent foreign language training, \$5,000,000; and

(3) to the Commissioner of the Immigration and Naturalization Service, only for obligation for special agent foreign language training, \$1,000,000.

(g) Moneys appropriated pursuant to this section shall remain available until expended.

(h) Moneys appropriated pursuant to this section shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989.

**Subtitle D—Authorization of Appropriations for Special Training Centers**

**SEC. 704. ESTABLISHMENT OF NATIONAL TRAINING CENTER IN EL RENO, OKLAHOMA.**

(a) There is authorized to be appropriated to the Bureau of Justice Assistance for the fiscal year 1989, \$10,000,000, for the establishment of a national training center in El Reno, Oklahoma, to be utilized for the training of Federal, State, and local prison officials in drug rehabilitation programs targeted to criminals convicted of drug-related crimes or who have developed drug dependencies: *Provided*, That such appropriation shall be in addition to any other appropriations made available to the Bureau of Justice Assistance in fiscal year 1989 for its other programs.

(b) There shall be established a National Advisory Panel on Prison Rehabilitation Programs to consist of five members, three of whom shall be designated by the Director of the Bureau of Justice Assistance, one of whom shall be designated by the Majority Leader of the United States Senate, and one of whom shall be designated by the Speaker of the United States House of Representatives.

(c) The Director of the Bureau of Justice Assistance, in cooperation with the Advisory Panel established in subsection (b), shall coordinate the establishment of the national training center as authorized in subsection (a).

(d) The Advisory Panel shall have oversight responsibility for the daily operations of the national training center in consultation with the Director of the Bureau of Justice Assistance.

(e) The training programs authorized to be conducted at the national training center shall be for the benefit of: correctional officers; administrative staff; and correctional mental health professionals including subcontracting agency personnel. The national training center is authorized to conduct counseling programs as recommended by the Advisory Panel.

(f) Of the appropriations authorized under subsection (a), \$6,000,000 shall be made available for the development of the national training center at El Reno, Oklahoma; \$2,000,000 shall be made available for the development of a community-based residential "drug-free" program (therapeutic community) at the El Reno Federal Correctional Institute to be affiliated with the national training center; and \$2,000,000 shall be made available for the development of curriculum at the national training center: *Provided*, That the salaries and expenses or personnel at the national training center, including those of the Advisory Board, and other administrative expenses of the national training center, shall be made available

with the \$5,000,000 authorized for the development of the national training center.

**TITLE VIII—DRUG TESTING IN THE PRIVATE SECTOR**

**SEC. 801. DRUG TESTING PROGRAM REQUIREMENTS.**

(a) No employer engaged in commerce or in an enterprise engaged in commerce or in the production of goods for commerce may—

(1) refuse to hire an applicant for employment,

(2) take any adverse action against an employee, or

(3) discharge an employee, on the basis of the results of a drug test administered to the applicant or employee unless the drug test was conducted by a laboratory which meets the requirements of subsection (b).

(b) Under the requirements referred to in subsection (a), a laboratory which conducts drug testing shall, as determined under guidelines prescribed by the Secretary of Health and Human Services—

(1) meet the mandatory guidelines established by the Secretary of Health and Human Services under section 503(a)(1)(A)(ii)(I) and section 503(a)(1)(A)(ii)(III) of the supplemental Appropriations Act, 1987,

(2) require a confirmatory test when an initial screening test is positive and shall not report a test as positive unless it has been confirmed, and

(3) provide guidance to the employers on procedures for the collection of specimens to be tested and on procedures for the chain of custody of such specimens.

(c) An employer who takes an action described in subsection (a) on the basis of the results of a drug test conducted by a laboratory which does not meet the requirements of subsection (b) shall be subject to a civil penalty of \$10,000.

**SEC. 802. EFFECTIVE DATE.**

Section 801 shall take effect—

(1) on the effective date of guidelines established by the Secretary of Health and Human Services under section 801(b), or

(2) 6 months after the date of the enactment of this Act, whichever occurs first.

**TITLE IX—CONGRESSIONAL POLICY REGARDING ADDITIONAL FUNDING FOR FISCAL YEAR 1989 FOR ANTIDRUG ABUSE PROGRAMS**

**SEC. 901. STATEMENT OF POLICY.**

(a) The Congress finds that—

(1) the programs, projects, activities, and initiatives contained in this Act are of critical importance in developing a comprehensive approach to addressing the multiple facets of the drug abuse problem that faces the United States of America;

(2) the President's budget for fiscal year 1989 as presented to the Congress on February 18, 1988, contains funding for some but not all of the programs, projects, activities, and initiatives contained in this Act, and does not provide sufficient funding to launch a full scale assault on the drug abuse problem that plagues the United States;

(3) there is an urgent and critical need for appropriations, in addition to those requested in the President's budget for fiscal year 1989 as presented to Congress on February 18, 1988, to carry out the programs, projects, activities, and initiatives contained and authorized in this Act, and to ensure continuation of the momentum generated by the bipartisan Antidrug Abuse Act of 1986 (Public Law 99-570);

(4) the additional appropriations required in fiscal year 1989 to accommodate the programs, projects, activities, and initiatives contained in this Act should be included in

the Concurrent Resolution on the Budget for fiscal years 1989, 1990, and 1991 with sufficient levels of appropriations allocated to the Committees on Appropriations of the House and Senate through the section 302(a) allocation process under the Budget Act of 1974, as amended to accommodate the programs, activities, and initiatives contained in this Act; and

(5) the terms and conditions of the Bipartisan Congressional Leadership Budget summit should, if necessary, be amended to accommodate the level of new budget authority and outlays to fully fund the programs, activities, and initiatives contained in this Act.

(b) Therefore, it is the intent of Congress that—

(1) new budget authority and outlays required to carry out the programs, activities, initiatives contained in this Act shall be accommodated in the concurrent resolution on the budget for fiscal year 1989 and crosswalked to the Committees on Appropriations of the House and Senate and other appropriate committees of the Congress through the section 302(a) allocation process under the Budget Act of 1974, as amended;

(2) to the maximum extent possible, amounts authorized to be appropriated to carry out the programs, activities, and initiatives contained in this Act, shall be provided in regular appropriations bills or continuing appropriations bills for the fiscal year ending September 30, 1989;

(3) any new budget authority and outlays required to carry out the programs, projects, activities, and initiatives contained in this Act, which are not provided for in regular appropriations Act for fiscal year 1989 or any continuing resolution for fiscal year 1989, shall be provided in the first available supplemental appropriation Act or resolution for fiscal year 1989 within 90 days of the submission of the President's fiscal year 1990 budget of the United States in January or February of 1989;

(4) any such amounts appropriated for fiscal year 1989, either in regular appropriations Acts, continuing resolutions, or supplemental appropriations Acts, shall not be provided through transfers from, or reductions in, any amount appropriated for other purposes in regular appropriations Acts, continuing resolutions, or supplemental appropriations Acts for any other program, project, activity or initiative for such fiscal year, unless and only unless such amounts can be identified as nonessential administrative, nonprogrammatic funds that are determined by the Congress to no longer be required to carry out ongoing programs; or only if such amounts are identified to come from unobligated, uncommitted balances of appropriated funds that Congress has determined are no longer required to carry out ongoing, approved programs, projects, activities, or initiatives;

(5) any amounts authorized to be appropriated for fiscal years 1990 and 1991 shall be provided in regular appropriations Acts, continuing resolutions, or supplemental appropriations Acts for those fiscal years and under the same terms and conditions as contained in this subsection; and

(6) the President of the United States shall direct the Office of Management and Budget to include sufficient levels of appropriations in the fiscal years 1990 and 1991 budget of the United States to fully annualize the entire cost of the programs, projects, activities, initiatives, and personnel levels authorized in this Act and provided for in regular, continuing, and supplemental appropriations Acts for fiscal year 1989.

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## TITLE X—FUNDING; ACCOUNTS

## Subtitle A—Offsetting Revenues and Savings to Cover the Cost of the Act

## SEC. 1001. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR INTERNAL REVENUE SERVICE, PROCESSING TAX RETURNS.

There is authorized to be appropriated for processing tax returns, Internal Revenue Service, for fiscal year 1989, \$4,675,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1988 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase the number of tax enforcement personnel in the processing tax return activity by 186 fulltime equivalent positions over and above the personnel levels onboard as of September 30, 1988: *Provided further*, That an amount equal to additional revenues resulting from the enforcement activities of the additional tax enforcement personnel provided under this section, beyond those assumed in the Omnibus Budget Reconciliation Act of 1987 and the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1988, and for other purposes, approved December 22, 1987, shall be appropriated to the Antidrug Abuse Fund established by section 9511 of subchapter A of chapter 98 of the Internal Revenue Code of 1986 to be disbursed by the Secretary of the Treasury to the agencies responsible for carrying out the other programs, projects, activities, and initiatives authorized in this Act, and amendments made by this Act.

## SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR INTERNAL REVENUE SERVICE, EXAMINATIONS AND APPEALS.

There is authorized to be appropriated for examinations and appeals, Internal Revenue Service, for fiscal year 1989, \$158,882,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1988 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase the number of tax enforcement personnel in the examinations and appeals, Internal Revenue Service activity by 3,829 fulltime equivalent positions to increase the amount of tax revenue assessments and collections beyond that assumed in the Omnibus Budget Reconciliation Act of 1987 and the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1988, and for other purposes", approved December 22, 1987: *Provided further*, That an amount equal to additional revenues, beyond those assumed in such Act and resolution, resulting from the enforcement activities of the additional tax enforcement personnel provided under this section, shall be appropriated to the Antidrug Abuse Fund established by section 9511 of subchapter A of chapter 98 of the Internal Revenue Code of 1986 to be disbursed by the Secretary of the Treasury to the agencies responsible for carrying out the other programs, projects, activities, and initiatives authorized in this Act, and amendments made thereby.

## SEC. 1003. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR INTERNAL REVENUE SERVICE, INVESTIGATIONS, COLLECTIONS, AND TAXPAYER SERVICE.

There is authorized to be appropriated for investigations, collections, and taxpayer

service, Internal Revenue Service, for fiscal year 1989, \$123,056,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1988 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase the number of tax enforcement personnel at the Internal Revenue Service by 2,827 fulltime equivalent positions, over and above the personnel levels onboard as of September 30, 1988; to increase the amount of tax revenue collections beyond those assumed in the Omnibus Budget Reconciliation Act of 1987 and the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1988, and for other purposes, approved December 22, 1987, for fiscal years 1989 and 1990: *Provided further*, That an amount equal to the additional revenues resulting from the enforcement activities of the additional tax enforcement personnel provided under this section shall be appropriated to the Antidrug Abuse Programs established by section 9511 of subchapter A of chapter 98 of the Internal Revenue Code of 1986 to be disbursed by the Secretary of the Treasury to the agencies responsible for carrying out the other programs, projects, activities, and initiatives authorized in this Act, and amendments made thereby.

## SEC. 1004. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS SALARIES AND EXPENSES.

There is authorized to be appropriated for salaries and expenses of the Bureau of Alcohol, Tobacco, and Firearms for fiscal year 1989, \$4,000,000: *Provided*, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1988 budget as presented to Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase the number of special occupational tax enforcement and collection personnel by no fewer than 40 fulltime equivalent positions over such personnel levels onboard at the Bureau as of September 30, 1988: *Provided further*, That such personnel shall be made available to accelerate the special occupational tax enforcement and collection effort at the Bureau in fiscal year 1989: *Provided further*, That an amount equal to additional revenues over projected fiscal year 1988 levels resulting from the enforcement activities of these additional special occupational tax enforcement activities of the Bureau provided under this section in fiscal year 1989 shall be appropriated to the Antidrug Abuse Fund established by section 9511 of subchapter A of chapter 98 of the Internal Revenue Code of 1986 to be disbursed by the Secretary of the Treasury to the agencies responsible for carrying out the other programs, projects, activities, and initiatives authorized in this Act, and amendments made thereby.

## SEC. 1005. FEDERAL DEBT COLLECTION.

(a) As used in this section:

(1) The term "executive agency" has the meaning given to the term "agency" in section 552(e) of title 5.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest on the issuing executive agency.

(3) The term "direct loan" means a disbursement of funds by an executive agency

(not in exchange for goods or services) under a contract that requires the repayment of such funds with or without interest. Such term shall also include an obligation guaranteed by an executive agency and purchased by the Federal Financing Bank. Such term shall not include any commodity price-support loan made by the Commodity Credit Corporation or any loan made or insured under the Consolidated Farm and Rural Development Act.

(4) The term "subsidy" means, with respect to a direct loan, the difference between—

(A) the costs (including interest) which would have been incurred by a borrower to obtain the loan from private sources, minus

(B) the costs (including interest) which were incurred by the borrower to obtain the loan from the Government.

(5) The term "debt" means an amount of money or property that has been determined by an appropriate official of an executive agency to be owed to the United States by any person, organization, or entity except another agency.

(6) The term "loan guarantee" means contingent liability of an executive agency. A guaranteed loan is—

(A) any agreement in which an executive agency pledges to pay part or all of the amount due to a lender or holder in the event of default by the borrower; or

(B) a direct Federal loan that an executive agency sold under a guarantee or agreement to repurchase.

Such term does not include a loan guaranteed under the Consolidated Farm and Rural Development Act.

(7) The term "credit extension" means that portion of the credit management cycle involving review and approval of requests for short-term or long-term credit.

(8) The term "financial contract" means any agreement or contract made by an executive agency, the primary purpose or results of which is to make private credit available, or available on more favorable terms than in the absence of the contract, to a non-Federal entity by indirectly or directly assuming the risk involved. Such term includes financial contracts such as an agreement to pay all or part of the principal or interest on the debt obligation of a non-Federal entity (debt service payments), financial lease agreements for assets and project financing, and repayment arrangements.

(9) The term "creditworthy" means a favorable determination entitling an applicant to receive credit, which is based on—

(A) the perceived ability and willingness of the borrower to repay the debt and the lending organization's level of acceptable risk; and

(B) the consideration of other Federal obligations that could jeopardize, or be jeopardized by, the new debt under consideration.

(10) The term "receivables" means amounts owed the Government upon completion of the acts giving rise to claims, and includes amounts such as amounts due for taxes, loans, sales of goods and services, fines, penalties, forfeitures, interest, overpayments, fees, duties, rents, royalties, claims, damages, audit disallowances, and travel advances.

(11) The term "account servicing" means that portion of the credit management cycle dealing with monitoring the status of accounts of indebtedness, maintaining records of current debts, billing for amounts due, collecting amounts due, collecting past due amounts, handling debtor correspondence, performing followup functions, and providing accurate reporting of debt portfolios.



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(12) The term "debt collection" means that portion of the credit management cycle dealing with recovery of amounts due after routine followup fails, and includes the assessment of the debtor's ability to pay, the exploration of possible alternative arrangements to increase the debtor's ability to pay, and other efforts to secure payment.

(13) The term "delinquency" means the status of any account which is 30 days past due.

(14) The term "default" means the failure to meet any obligation or term of a credit, grant, or contract agreement that causes the lender to accelerate demand on the borrower because of the severity of the borrower's breach of the agreement, and for purposes of this chapter, default occurs—

(A) in the case of a direct loan, when the account is past due over 180 days; and

(B) in the case of guaranteed loan, when the Government repurchases the loan.

(15) The term "reschedule" means to establish new terms and conditions to facilitate repayment of a debt.

(16) The term "referral for litigation" means—

(A) referral to the Attorney General for appropriate legal proceedings; or

(B) in any case in which an executive agency has statutory authority to bring legal actions without referral to the Attorney General, referral to the organization within the executive agency that is responsible for litigation.

(17) The term "credit report" means any written or documented oral communication of information provided by a commercial or consumer credit reporting agency dealing with the creditworthiness or financial reliability of an applicant or debtor.

(18) The term "Under Secretary" means the Under Secretary of the Treasury for Debt Collection and Credit Management appointed under section 3603 of this section.

(19) The term "agency head" means, with respect to an executive agency, the chief executive of the agency.

(20) The term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) There shall be in the Department of the Treasury an Under Secretary of the Treasury for Debt Collection and Credit Management, who shall be appointed by the President, by and with the consent of the Senate.

(c) The Under Secretary shall—

(1) be the principal advisor to the President with respect to Federal credit management and debt collection policy;

(2) provide leadership, central direction, guidance, and monitoring of the executive agencies in credit management and debt collection and related financial reporting;

(3) prepare and transmit to the Congress and the Comptroller General, within one year after the date of enactment of this section and in consultation with agency heads, comprehensive debt collection and credit management plans which comply with subsection (d) of this section;

(4) review executive agency credit management and debt collection plans and policies in order to assure that—

(A) such plans and policies are—

(i) consistent with the overall objectives, structure, and information requirements of comprehensive debt collection and credit management plans prepared under paragraph (3) of this subsection; and

(ii) applied uniformly across agencies to assure parity and consistency; and

(B) in the case of any project for the development of new or improved financial management systems, such project does not duplicate efforts by other agencies;

(5) ensure that the President and the Congress are kept fully and currently informed of the Federal Government's—

(A) financial position and results of its operations;

(B) financial management condition; and

(C) requirements for financial resources to correct deficiencies and improve the effectiveness of accounting systems, financial systems, and systems of internal controls;

(6) identify and establish financial management objectives and information requirements in order to define the data requirements of standards established by the Comptroller General for the use by all executive agencies in the development and operation of their financial management systems;

(7) require each executive agency to submit comprehensive records describing in detail debt status and collection efforts, by program, project, or activity;

(8) provide an annual summary of the activities conducted under this section to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, describing the progress made in improving debt collection and credit management, and recommending such changes in Federal law for the purpose of improving debt collection and credit management as the Under Secretary considers appropriate; and

(9) promulgate such regulations as may be necessary to carry out this section.

(d) The comprehensive debt collection and credit management plans required under paragraph (3) of subsection (c), shall, at a minimum—

(1) establish credit management and debt collection practices, procedures, and regulations that implement and comply with this section and regulations of the Under Secretary, and all other relevant laws, regulations, rulings, and guidance;

(2) define and assign debt collection and credit management responsibilities for each executive agency;

(3) establish employee performance appraisal standards and bonus award programs that take into account employee contributions to improving the operation of credit management and debt collection programs;

(4) establish accounting practices and procedures and automated management information systems to enable each executive agency to produce accurate financial reports on those programs that generate receivables, including reports such as operating statements, statements of financial position, and cash flow statements; and

(5) require annual evaluations of credit management and debt collection operations and systems in order to identify areas in which such operations and systems could be improved and to initiate actions to correct any problems identified through such evaluations.

(e) Within 60 days after receiving a plan under paragraph (3) of subsection (a), the Comptroller General shall prepare and transmit to the Congress a report which contains the analysis and comments of the Comptroller General with respect to the plan and the progress being made by executive agencies to strengthen credit management and debt collection.

(f)(1)(A) The Secretary of the Treasury shall establish Federal credit management policies and promulgate regulations implementing this section. Such policies and regulations shall apply to—

(i) direct loans, loan guarantees, loan insurance, financial contracts designed to sup-

port borrowing, and debts arising from contracts, grants, and other administrative arrangements; and

(ii) all executive agencies and Government corporations unless specifically exempted from Federal control by other statutory authority.

(B) The Secretary of the Treasury shall include in regulations promulgated under this paragraph regulations with respect to—

(i) all credit practices necessary to make Federal credit practices substantially conform to the best established credit practices of the private sector;

(ii) credit analysis of borrowers (including determinations with respect to creditworthiness, financial responsibility, financial statements, identification of collateral, and ability to repay);

(iii) prescreening procedures (including the use of credit reports and records from the same or other executive agencies to identify applicants who are delinquent or in default on debt contracted under other Federal programs, projects, or activities);

(iv) program eligibility;

(v) alternative sources of credit;

(vi) use of taxpayer identification numbers;

(vii) establishment of regular repayment schedules;

(viii) account servicing practices (including adequate recordkeeping and documentation, account review and loss estimates, followup procedures on delinquent accounts, and automation of loan servicing activities);

(ix) debt accounting and reporting systems;

(x) interest, penalties, and administrative costs;

(xi) administrative offset;

(xii) use of collection agencies;

(xiii) referral for litigation;

(xiv) calling guarantees;

(xv) controlling and foreclosing on collateral;

(xvi) Federal employee salary offset;

(xvii) income tax refund offset;

(xviii) rescheduling;

(xix) writeoff and closeout procedures;

(xx) portfolio sales;

(xxi) management review; and

(xxii) improvement plans.

(2) Regulations promulgated under paragraph (1) of this subsection shall not apply to debt arising under the Internal Revenue Code of 1986, the Social Security Act, the tariff laws of the United States, or to debts owed by State or local governments.

(g) The Secretary of the Treasury shall prescribe minimum requirements for contracts for all loans or loan guarantees governed by this section.

(h) The total amount of delinquent debts owed to executive agencies (other than debts arising under the Internal Revenue Code of 1986) shall be reduced by an amount equal to the amount of delinquent debt owed to the United States recommended and targeted for debt collection in the President's Budget for fiscal year 1989 plus \$2,000,000,000 (hereinafter referred to in this section as "additional collections").

(i) The Secretary of the Treasury, after consulting with each agency head and receiving the proposals of each agency head for debt collection targets, shall develop and specifically establish debt collection targets for each fiscal year for each executive agency debt collection program. Such targets shall be established in conjunction with the provisions of the comprehensive debt collection credit management plans established pursuant to section subsection (c)(3) of this section and shall be designed to implement subsection (h).

(j) To the extent that any debt collection targets established by the Secretary of the Treasury under subsection (i) of this section for an executive agency for a fiscal year are exceeded by such agency (not including additional collections), 15 percent of the amount by which such agency exceeds the targets for such fiscal year shall be made available to the executive agency as additional program funding for the particular program or activities involved in the debt collection activity. The balance of the delinquent debts, other than additional collections, collected under this section shall be returned to the Treasury of the United States and shall be used to reduce the public debt. An amount equal to the amount of such delinquent debts collected as additional collection is appropriated to the Antidrug Abuse Fund established by section 9511 of subchapter A of chapter 98 of the Internal Revenue Code of 1986.

(k) To the extent that any debt collection targets established by the Secretary of the Treasury under subsection (b) of this section for an executive agency for a fiscal year are not met by such executive agency, the amounts that were appropriated for the programs or activities at the executive agency failing to meet such targets shall be reduced by an amount equal to 15 percent of the difference between the amount collected by the executive agency toward its debt collection target and the actual debt collection target established by the Secretary of the Treasury under subsection (i) of this section.

(l) The Secretary of the Treasury shall promulgate regulations which prescribe standards for use by executive agencies in developing proposals for debt collection targets. Such standards shall require executive agencies to consider, for each program or activity, such factors as—

(1) the characteristics of the debts and debtors involved;

(2) the historical experience of the agency, other government agencies, and the private sector in the collection of similar types of debt;

(3) the rates of delinquency and default;

(4) planned improvements in the agency's debt collection programs; and

(5) such other factors as the Secretary of the Treasury considers appropriate.

(m) Officers and employees of executive agencies responsible for the management of debt collection programs shall be held accountable (as part of the performance standards to be established under subsection (c)) for establishing and periodically reviewing and revising procedures and targets that comply with the requirements of this section and the regulations of the Secretary of the Treasury.

(n) Any reductions to executive agency appropriations under this section shall be reported in detail to the Congress by the Secretary of the Treasury and shall be included in detail in all budget justifications presented by the executive agency to the Congress.

(o) Section 3711(f) of title 31, United States Code, is amended by—

(1) striking out "may" after "legislative agency" in paragraph (1) and inserting in lieu thereof "shall"; and

(2) striking out "may" after "system" in subparagraph (A) of such paragraph and inserting in lieu thereof "shall".

(p) Section 3718(a) of title 31, United States Code, is amended by—

(1) inserting "to augment agency collection efforts" after "appropriate";

(2) striking out "may" after "head of the agency" and inserting in lieu thereof "shall";

(3) striking out "; and" at the end of paragraph (1);

(4) striking out the period at the end of paragraph (2)(B) and inserting in lieu thereof "; and"; and

(5) inserting after paragraph (2) the following new paragraph:

"(3) the person will submit to the agency status reports on the success of such person in collecting such debts at least once every six months."

(q) Section 5514(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(5) This subsection does not apply to intragovernmental deductions for routine administrative overpayments which are the result of clerical or administrative error or delays in the processing of pay documents, and which are rarely controversial or disputed. With respect to these routine adjustments of pay, the agency should afford the individual reasonable opportunity to dispute the deduction. Such opportunity need not be provided prior to making the deduction.

"(6) No claim may be collected under the authority of paragraph (1) of this subsection at any time after 10 years after the claim first accrues."

(r) Section 6103(m)(2)(A) of the Internal Revenue Code of 1986 is amended—

(1) by inserting before the period a comma and "or other statutory authorities granting agencies independent claims collection authority"; and

(2) by striking out "the Secretary may" and inserting in lieu thereof "the Secretary shall".

(s) Section 3719 of title 31, United States Code, is amended—

(1) by striking out "the Director of the Office of Management and Budget" in subsection (a) and inserting in lieu thereof "the Under Secretary of the Treasury for Debt Collection and Loan Management";

(2) by striking out "Director" each place it appears in subsections (a) and (b) and inserting in lieu thereof "Under Secretary";

(3) by striking out "and the Secretary at least once each year" in subsection (a) and inserting in lieu thereof "in accordance with regulations issued by the Under Secretary under section 3603 of this title";

(4) by striking out "and" at the end of subsection (a)(1)(E);

(5) by inserting "and" after the semicolon in subsection (a)(1)(F);

(6) by inserting after subparagraph (a)(1)(F) the following new subparagraph:

"(G) the agency's progress in implementing chapters 36 and 37 of this title, and the agency's monetary and programmatic goals for improving collections and reducing delinquencies and writeoffs;"; and

(7) by striking out "and shall report annually to Congress on the management of debt collection activities by the head of each agency" in subsection (b) and inserting in lieu thereof "and shall prepare (for inclusion in the budget submissions required by section 1105 of this title) a detailed statement of the Under Secretary's evaluation of each agency's implementation of its debt collection and loan management responsibilities for each debt collection and credit program administered by the agency".

(t) Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(26) a separate statement for each agency and program contains the information specified in section 3719(b) of this title."

(u) Section 3701(b) of title 31, United States Code, is amended to read as follows:

"(b) In subchapter II of this chapter, the terms 'debt' and 'claim' mean any amount owed to the Government, except that such term does not include any amounts owed by

one agency to another agency, and except as otherwise provided by law."

#### SEC. 1006. TRUST FUND.

Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new section:

#### "SEC. 9511. ANTIDRUG ABUSE TRUST FUND.

##### "(a) CREATION OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby established in the Treasury of the United States a trust fund to be known as the "Antidrug Abuse Trust Fund".

"(2) ACCOUNTS IN TRUST FUND.—The Antidrug Abuse Trust Fund shall consist of such amounts as may be appropriated, credited, or paid to it as provided in this section.

##### "(b) APPROPRIATIONS.—

"(1) TRANSFER OF CERTAIN TAXES TO ACCOUNT.—There is hereby appropriated to the Antidrug Abuse Trust Fund amounts equivalent to the following amounts received in the Treasury on or after October 1, 1988—

"(A) the additional amounts of collections resulting from the enforcement activities of the additional personnel provided under sections 1001, 1002, 1003, and 1004 of the Omnibus Antidrug Abuse Act of 1988 which is over and above that assumed with respect to such collections in the Omnibus Budget Reconciliation Act of 1987 and the Joint Resolution making further continuing appropriations for the fiscal year 1988, and for other purposes, approved December 22, 1987, and

"(B) the additional collections referred to in section 1005 of the Antidrug Abuse Act of 1988.

"(2) EXPENDITURES FROM FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, to carry out the purposes of the Omnibus Antidrug Abuse Act of 1988."

#### SUMMARY ANALYSIS OF THE OMNIBUS ANTIDRUG ACT OF 1988

##### TITLE I—DRUG ENFORCEMENT AND PERSONNEL ENHANCEMENT

##### Subtitle A. Asset Forfeiture Fund Amendments Act of 1988:

Makes certain changes to the Treasury and Justice Department Asset Seizure funds to allow those funds to be more easily provided to state and local agencies which contributed to the seizure.

Allows some of those funds from the Justice account to be used for prison construction.

Removes caps from those funds and takes the use of those funds off-budget.

##### Subtitle B. State and Local Narcotics Control Assistance:

Authorizes the Bureau of Justice Assistance (which expires this year) and requires that the BJA Administrator be appointed by the President with the advice and consent of the Senate.

Requires each state to submit a "master" plan or strategy which encompasses demand reduction, education, and law enforcement programs and delineates 30 different purposes for which these funds can be used.

Establishes an expedited grant system for metropolitan areas with a population over 500,000.

Provides accountability by implementing reporting and feedback requirements (providing funds to carry out the same), while identifying those programs which are successful, with the intent of encouraging similar programs.

Sets up a three-year approach by which a program funded in the first year would receive the same funding for the following two years, and authorizes \$250 million the

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first year, \$500 million the second year, and \$750 million in the third year.

\$5 million and 96 FTE to allow BJA to implement this grant program.

Subtitle C. Chemical Diversion and Trafficking Act of 1988:

Identical to H.R. 2585, a bill to suppress the diversion and trafficking of precursor chemical and other chemicals used in the illicit manufacture of controlled substances.

Subtitle D. Comprehensive Federal Law Enforcement officer Improvements Act of 1988:

Makes certain provisions for law enforcement officers, including increased death benefits for all federal, state, and local officers.

Establishes a National Advisory Commission on Law Enforcement to examine pay and benefits and report to the President within six months.

Subtitle E. Deportation of Convicted Foreign Drug Inmates:

Provides for the deportation of "violent criminal aliens" who have been convicted of an aggravated violent felony, while providing safeguards.

Subtitle F. Customs Enforcement Amendments Act of 1988:

Provides for the inspection of vessels by Customs officers under certain conditions on the high seas.

Clarifies current law regarding transfer of seized assets to contributing state and local law enforcement agencies and foreign governments.

Authorizes the Secretary of State to revoke the passport of any individual convicted of a felony narcotics violation.

Subtitle G. Authorization of Additional Appropriations for Drug Enforcement Personnel, Fiscal Year 1989:

*Coast Guard.* \$45 million and 800 FTE's above the President's request.

*Customs.* \$30 million and 600 FTE above President's budget

*Border Patrol.* \$20 million and 500 FTE's above President's request.

*INS.* \$19 million and 225 criminal and organized crime investigator FTE's above President's request.

*ATF.* \$8 million and 140 FTE's over President's request, including 10 FTE's to establish a Bureau of Alcohol, Tobacco, and Firearms Drug Educations officers program, and certain reimbursements for state and local personnel.

*DEA.* \$60 million and 224 FTE's above the President's request, including five FTE's for program similar to above.

*FBI.* \$38 million and 400 FTE's above the President's request, including five FTE's for program similar to above.

*Marshals Service.* \$73.8 million above the President's request to be used as follows:

1. \$11.5 and 230 FTE's for asset seizure and forfeiture activities;

2. \$30.7 and 20 FTE's for jail cell renovations including Cooperative Agreement Program projects;

3. \$10 million and 188 FTE's for criminal justice support activities;

4. \$6.2 million and 104 FTE's for protection of the federal judiciary and federal courts due to increased drug-related trials;

5. \$4.6 million and 60 FTE's for Witness Security Program; and

6. \$10.8 and 139 FTE's for fugitive programs.

\$10 million and 200 FTE for additional U.S. Attorneys.

Authorizes \$150 million for new federal prison construction.

Subtitle H:

Authorizes rewards for information on narcotics fugitives.

Prohibits dangerous weapons in federal courthouses.

Authorizes payments to state and local jurisdictions for the housing and care of persons in Marshals Service custody.

#### TITLE II. INTERNATIONAL NARCOTICS CONTROL AND ASSISTANCE TO FOREIGN COUNTRIES

Subtitle A. International Drug Eradication Improvement Program:

Establishes an International Special Operations Drug Eradication Squadron within State for use in source countries.

Authorized an additional \$12 million for the procurement of aircraft, equipment, O&M, and salaries and expenses for the Squadron.

Requires the Secretary of State to establish strict criteria and guidelines for employing the squadron.

Subtitle B. International Narcotics Matters Improvement and Special Assistance Programs:

Establishes a three-year economic assistance grant program under AID for source countries which meet specific eradication goals (15 percent verifiable in the first year, 40 percent by the third year to be determined by DEA).

Authorizes \$200 million for the program for each of the three years.

Directs the Comptroller General to monitor the program, and provides for a panel of Administration and Congressional representatives to assess the program after three years.

Subtitle C. Amendments to Foreign Assistance Act of 1961, as Amended:

Implements certain changes to the reporting requirements of the Act concerning the cooperation of source and transshipment countries in narcotics control.

Subtitle D. International Narcotics Matters Authorization of Appropriations:

Authorizes \$138 million in the first year and \$150 million for the second year for INM, including:

\$500,000 to be used for coca eradication research;

\$900,000 to provide protective equipment for aircraft used in narcotic eradication and interdiction efforts in source or transshipment countries upon notification of Congress; and

\$2 million to be used for training in foreign countries relating to narcotics control.

Allows funds withheld from non-cooperating countries to be used for narcotics control in cooperating countries.

Provides certain assistance for Bolivia; limits and conditions amount of funds which can be made available to Mexico; provides other foreign assistance programs involving education and reporting.

Subtitle E. Latin American Anti-Drug Strike Force:

Creates within State an Ambassador at Large and Coordinator for Western Hemisphere Anti-Drug Efforts.

Directs the Joint Chiefs of Staff to develop a plan for a Latin American strike force to eradicate and interdict narcotics in the Western Hemisphere (outside the U.S. and its territories).

Would involve Latin American personnel using U.S.-provided resources.

#### TITLE III. DRUG INTERDICTION ASSET IMPROVEMENT AND ENHANCEMENT

Subtitle A. Coast Guard:

Provides \$186 million for marine and air interdiction assets and for O&M.

Subtitle B. Customs:

Provides \$110 million for Air Interdiction assets and \$15 million for salaries and expenses.

Subtitle C. Department of Defense:

Provides \$75 million for four aerostats, \$15 million for surveillance flights and related purposes, and \$10 million for assets in

establishing the Latin American Strike Force.

Subtitle D. DEA:

Provides \$48 million for the establishment of an International Drug Interdiction helicopter force similar to OPBAT; \$4 million will go to EPIC for enhancing tactical intelligence.

Subtitle E. INS/Border Patrol:

\$20 million for Border Patrol equipment.

Subtitle F. Establishment of Interagency Southwest Border Drug Interdiction Mobile Corridor Task Force:

Provides \$15 million for 100 Border Patrol, 25 Customs, and 25 DEA agents assigned to two mobile corridor operations forces, with line authority given to joint commanders.

Subtitle G. U.S.-Bahamas Drug Interdiction Task Force:

Authorizes \$13 million for joint efforts.

Subtitle H. Special Drug Interdiction Support:

Authorizes grant programs for procurement of assets to Puerto Rico—\$7 million, Jamaica—\$7 million, Dominican Republic—\$5 million, Hawaii—\$7 million.

#### TITLE IV. DEMAND REDUCTION

Subtitle A. Treatment and Rehabilitation:

Authorizes \$20 million for grants to emphasize community based residential treatment services such as halfway houses and therapeutic communities, including the purchase of land and construction of facilities.

Subtitle B. Alcohol and Drug Abuse Treatment and Rehabilitation Act of 1988:

Authorizes \$558 million in first year, and \$583 million in the second year, and \$608 million in the third year for Alcohol, Drug Abuse and Mental Health Bloc Grant program.

Authorizes \$600 million in the first year, \$625 million in the second year, \$650 million in the third year for Substance Abuse Emergency Drug Treatment Programs.

Subtitle C. Drug-Free Schools and Communities Act Amendments of 1988:

Authorizes \$300 million in the first year, \$350 million in the second year, and \$350 million in the third year with specific reporting and accountability requirements.

#### TITLE V. NATIONAL DRUG ENFORCEMENT AGENCY REORGANIZATION AND COORDINATION

Subtitle A. National Border Coordination and Reorganization Act of 1988:

Establishes Office of Enforcement and Border Affairs within the Department of the Treasury, and places Coast Guard and Customs within that office.

Subtitle B. Department of Defense Drug Interdiction Reorganization:

Establishes within ISA a Deputy Assistant Secretary for International Drug Interdiction and Enforcement with the overall duty of DoD drug interdiction and enforcement activities.

#### TITLE VI. RESEARCH AND DEVELOPMENT FOR LAW ENFORCEMENT AGENCIES

Subtitle A. Establishment of New Research and Development Programs to Assist Federal Law Enforcement Agencies:

Directs the establishment of a Research and Technology Group under the National Drug Policy Board and creates an advisory board to report to the Group.

Designates 8 existing facilities under the Departments of Defense, Justice, and Energy and other agencies as "National Technology Development Centers" to develop technologies for federal law enforcement applications.

Subtitle B. Cargo Container Drug Detection Research and Development:

Authorizes \$5 million for developing technology.

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TITLE VII. DRUG ENFORCEMENT TRAINING  
IMPROVEMENT

Subtitle A. The Federal Law Enforcement Training Center Improvement Act of 1988:

Expands and improves the Federal Law Enforcement Training Center, and provides an additional \$10 million for fiscal 89, a total of \$45 million in fiscal 90, and a total of \$50 million in fiscal 91.

Subtitle B. Department of Justice Training Facilities Improvement Act of 1988:

Provides an additional \$10 million for existing Justice facilities and \$10 million for new facilities.

Subtitle C.

Provides a total of \$11 million to establish a foreign language training program for special agents of federal civilian drug enforcement agencies within the Departments of Defense and State.

Subtitle D. Special Training Centers:

Provides \$10 million for the establishment of a National Training Center in El Reno, Oklahoma, to train Federal, State, and local prison officials in drug rehabilitation programs targeted to criminals convicted of drug-related crimes.

TITLE VIII. DRUG TESTING IN THE PRIVATE  
WORKPLACE

Requires that laboratories performing drug testing for the private workplace meet certain minimum standards, and that no action be taken against an employee or applicant based on a test from a laboratory not meeting those minimum standards.

TITLE IX. CONGRESSIONAL POLICY REGARDING  
ADDITIONAL FUNDING FOR FISCAL YEAR 1989  
FOR ANTI-DRUG ABUSE PROGRAMS

Provides for the continuity of funding for the programs authorized in the Act and establishes framework for partial offset of cost.

COST BREAKDOWN OF OMNIBUS ANTI-DRUG  
ABUSE ACT OF 1988

(Note: These Figures Represent the Increase Over the President's Fiscal Year 1989 Budget Request, Unless Otherwise Noted.) These Are Estimates of Budget Authority

TITLE I: DRUG ENFORCEMENT AND PERSONNEL  
ENHANCEMENT

Subtitle A: Asset Forfeiture Fund Amendments Act of 1988.

No new budget authority required to implement.

Subtitle B: State and Local Narcotics Control Assistance.

Estimated Cost: \$250,000,000 FY 1989 (Total funding); 500,000,000 FY 1990 (Total funding); 750,000,000 FY 1991 (Total funding); and 5,000,000 FY 1989 (96 FTE/BJA).

Subtitle C: Chemical Diversion and Trafficking Act of 1988.

No new budget authority required to implement.

Subtitle D: Comprehensive Federal Law Enforcement Officer Improvements Act of 1988.

Estimated Cost: \$10,000,000 (covers increased death benefits and Commission).

Subtitle E: Deportation of Convicted Foreign Drug Inmates.

No new budget authority required to implement.

Subtitle F: Customs Enforcement Amendments Act of 1988

No new budget authority required to implement.

Subtitle G: Authorization of Additional Appropriations for Drug Enforcement Personnel, FY 1989.

Estimated Cost: Coast Guard: \$45,000,000/800 FTE; Customs Service: \$30,000,000/600 FTE; Border Patrol: \$20,000,000/500 FTE; and INS: Criminal Investigators: \$3,000,000/50 FTE.

INS: OCEETF agents: \$16,100,000/175 FTE; BATF: \$8,000,000/140 FTE; DEA: \$60,000,000/224 FTE; FBI: \$38,000,000/400 FTE; Marshals Service: \$73,800,000/741 FTE; and U.S. Attorneys: \$10,000,000/200 FTE.

Subtotal: \$303,900,000/3,830 FTE.

(Note: FTE=full-time equivalent positions.)

Estimated Cost: Federal Prison System construction: \$200,000,000 FY 1989.

Subtitle H: Miscellaneous Law Enforcement Provisions.

Estimated Cost: \$1,000,000 for President's Media Commission on Alcohol and Drug Abuse Prevention.

TITLE II: INTERNATIONAL NARCOTICS CONTROL  
AND ASSISTANCE TO FOREIGN COUNTRIES

Subtitle A: International Drug Eradication Improvement Program.

Estimated Cost: \$12,000,000 FY 1989.

Subtitle B: International Narcotics Matters Improvement and Special Assistance Programs.

Estimated Cost: \$200,000,000 FY 1989, 1990, & 1991 each.

Subtitle C: Amendments to Foreign Assistance Act of 1961, As Amended.

No new budget authority required to implement.

Subtitle D: International Narcotics Matters Authorization of Appropriations.

Estimated Cost: \$30,000,000 FY 1989, \$150,000,000 total funding, FY 1990, 1,000,000 A.I.D. drug education program.

Subtitle E: Latin American Antidrug Strike Force.

Estimated Cost: \$10,000,000 start up costs, funded in Department of Defense portion of Title III, Drug Interdiction Asset Improvement and Enhancement.

TITLE III: DRUG INTERDICTION ASSET  
IMPROVEMENT AND ENHANCEMENT

Subtitle A: Coast Guard: \$186,000,000 FY 1989.

Subtitle B: Customs Service: \$125,000,000 FY 1989.

Subtitle C: Department of Defense: \$90,000,000\*\* (\*\*Also, \$10,000,000 for Latin American Strike Force established in Title II.)

Subtitle D: Drug Enforcement Administration: \$48,000,000.

Subtitle E: Border Patrol: \$20,000,000.

Subtitle F: Interagency S.W. Border Drug Interdiction Mobile Corridor Task Force: \$15,000,000/150 FTE, incl. 100-Border Patrol; 25-DEA; and 25 Customs.

Subtitle G: U.S.-Bahamas Drug Interdiction Task Force: \$13,000,000.

Subtitle H: Special Drug Interdiction Support: \$26,000,000, including: \$7,000,000-Puerto Rico; \$7,000,000-Jamaica; \$5,000,000-Dominican Republic; and \$7,000,000-Hawaii.

## TITLE IV: DEMAND REDUCTION

Subtitle A: Treatment and Rehabilitation. Estimated Cost: \$20,000,000 FY 1989.

Subtitle B: Alcohol and Drug Abuse Treatment and Rehabilitation.

Estimated Cost: Basic Block Grant Program: ADAMHA: \$50,000,000 over President, FY 1989 (Total of \$558,860,000).

Basic Block Grant Program: ADAMHA \$583,000,000 total, FY 1990.

Basic Block Grant Program: ADAMHA \$608,000,000 total, FY 1991.

Emergency drug treatment grants: \$435,000,000 over President, FY 1989.

Emergency drug treatment grants: \$625,000,000 over President, FY 1990.

Emergency drug treatment grants: \$650,000,000 over President, FY 1991.

Subtitle C: Amendments to Drug-Free Schools and Communities Act.

Estimated Cost: \$50,000,000 over President, FY 1989; \$350,000,000 total, FY 1990; and \$350,000,000 total, FY 1991.

TITLE V: NATIONAL DRUG ENFORCEMENT  
AGENCY REORGANIZATION AND COORDINATION

Subtitle A: Office of Enforcement and Border Affairs.

No new budget authority required to implement.

Subtitle B: Department of Defense Drug Interdiction Reorganization.

Estimated Cost: \$100,000 FY 1989.

Subtitle C: Establishment of Senate Select Committee on Narcotics Abuse and Control.

Estimated Cost: \$400,000 FY 1989; \$500,000 FY 1990; \$600,000 FY 1991.

TITLE VI: RESEARCH AND DEVELOPMENT FOR  
LAW ENFORCEMENT AGENCIES

Subtitle A: Establishment of New Research and Development Programs to Assist Federal Law Enforcement Agencies.

Estimated Cost: \$-0- FY 1989; \$70,000,000 FY 1990.

Subtitle B: Cargo Container Drug Detection Research and Development.

Estimated Cost: \$5,000,000 FY 1989.

TITLE VII: DRUG ENFORCEMENT TRAINING  
IMPROVEMENT

Subtitle A: Federal Law Enforcement Training Center.

Estimated Cost: \$10,000,000 over President, FY 1989; \$45,000,000 total, FY 1990; and \$50,000,000 total, FY 1991.

Subtitle B: Department of Justice Training Facilities Improvement Act of 1988.

Estimated Cost: \$10,000,000 over President, FY 1989 for expansion of existing facilities; and \$10,000,000 over President, FY 1989 for new training facilities.

Subtitle C: Federal Law Enforcement Language Training Improvement Act of 1988.

Estimated Cost: \$11,000,000 over President, FY 1989.

Subtitle D: Establishment of National Training Center in El Reno, Oklahoma.

Estimated Cost: \$10,000,000 over President, FY 1989.

TITLE VIII: DRUG TESTING IN THE PRIVATE  
SECTOR

No new budget authority required to implement.

TITLE IX: CONGRESSIONAL POLICY REGARDING  
ADDITIONAL FUNDING FOR FISCAL YEAR 1989  
FOR ANTIDRUG ABUSE PROGRAMS

No new budget authority required to implement.

## TITLE X: FUNDING; ACCOUNTS

Subtitle A: Offsetting Revenues and Savings to Cover the Cost of This Act.

Authorization of Additional Appropriations: Internal Revenue Service.

Processing Tax Returns: \$4,675,000/186 FTE over President, FY 1989; Examinations and Appeals: \$158,882,000/3,829 FTE over President, FY 1989.

Investigation, Collection, and Taxpayer Service: \$123,056,000/2,827 FTE over President, FY 1989.

Estimated revenues from increased collections available to offset cost of this act: \$1,120,000,000 FY 1989; \$2,222,000,000 Fiscal Year 1990 over President's budget.

Authorization of Additional Appropriations: Bureau of Alcohol, Tobacco, & Firearms.

Salaries and Expenses, BATF: \$4,000,000 over President, FY 1989.

Estimated revenues from increased enforcement of special occupational tax enforcement by agency: \$130,000,000 FY 1989; \$140,000,000 FY 1990.

Accelerated Collection of Delinquent Government Debt: Department of the Treasury.

Language in the bill that would mandate the collection of \$2,000,000,000 over and above President's budget estimates for debt collection for fiscal year 1989; \$2,000,000,000



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additional debt collections over current estimates for fiscal year 1990.

Incentive program for agencies that exceed established debt collection targets; penalties for those agencies that fail to meet established debt collection targets.

Notes: All proceeds from the enhanced tax collections and debt collection payments would be deposited into a newly-established Anti-Drug Abuse Fund in Treasury; to be disbursed by the Secretary of the Treasury to the agencies responsible for funding the programs, projects, activities, and initiatives authorized in this bill.

Total cost of Omnibus Anti-Drug Abuse Act of 1988: \$2,157,400,000 FY 1989 (Does Not Include Additional Funding Required to Collect Additional Revenues/Debt Collection).

Amount of additional tax collections/debt collections deposited into special fund to cover cost of this act: \$3,250,000,000 fiscal year 1989; \$4,362,000,000 fiscal 1990.

Total cost of Omnibus drug bill, including additional staff/\$\$ for increased tax and debt collections: \$2,448,013,000.

Total additional revenues available in FY 1989 to cover cost of omnibus drug bill: \$3,250,000,000.

Difference: \$801,987,000.

## SUMMARY OF COSTS: DRUG BILL

Title I: \$769,900,000.

Title II: 253,000,000.

Title III: 523,000,000.

Title IV: 555,000,000.

Title V: 500,000.

Title VI: 5,000,000.

Title VII: 51,000,000.

Title VIII: 000.

Title IX: 000.

Title X: 290,613,000.

Total new budget authority: Omnibus Anti-Drug Abuse Act, 1988 \$2,448,013,000.

—\$3,250,000,000 additional revenues available to cover cost of Omnibus Anti-Drug Abuse Act of 1988.

Net cost: —801,987,000.

Other notes: Bill authorizes hiring of 4,076 full time positions for law enforcement; U.S. Attorneys; and support personnel. These are positions over and above President's fiscal year 1989 budget request of February 18, 1988.

Additional staffing of 6,842 at I.R.S. and 40 at BATF to collect additional revenue.

● Mr. MOYNIHAN. Mr. President, President Reagan was quoted in Time magazine of March 14, 1988, as having said on February 29, 1988, that "The tide of battle has turned, and we are beginning to win the crusade for a drug-free America." Indeed. Smuggling of cocaine and heroin into the United States nearly doubled between 1981 and 1986, according to the Office of Technology Assessment.

The Omnibus Anti-Drug Abuse Act of 1988 is based on the proposition that the Federal Government should assume as a normal function the arrest, prosecution, and punishment of narcotics dealers. It is elemental. To help the Federal Government meet this responsibility, our bill authorizes much-needed funding increases for the Coast Guard, Customs Service, Border Patrol, Drug Enforcement Agency, and the Federal Bureau of Investigation.

In addition, the Omnibus Anti-Drug Abuse Act of 1988 resurrects an important program which I have fought to maintain since the onset of the

Reagan administration. That is the State and Local Narcotics Control Assistance Program—the heir to the Law Enforcement Assistance Administration. In 1984 and 1985, when President Reagan tried to eliminate it, I introduced legislation to save it. We were successful in doing so by including it in the Anti-Drug Abuse Act of 1986. However, the administration has cut its budget substantially since then and proposed to eliminate it entirely for fiscal year 1989.

Another important provision affects the numbers of drug law violators pending trial that have come to this country illegally. On the first day of the Congress, I introduced S. 48, the Criminal Alien Departure Act, to establish a pilot program whereby drug-law offenders would be given the option of a trial, at taxpayers expense, or be deported immediately. There is a similar provision in the bill we introduce today; a bill that will do much to help the Federal Government meet its responsibilities in the war against drugs.●

Mr. GRAHAM. Mr. President, last week I was in Florida visiting in a small community in the northern part of our State, Madison, FL. There I met with Sheriff Peevy, a long-time highly regarded law-enforcement official in our State. He told me that in that small community 85 percent of the persons who were incarcerated in the county jail were there because of a drug-related offense. They either had committed a drug-related crime or were supporting a drug habit.

Mr. President, this is not an issue that is exclusive to a handful of large communities in this Nation. This is not an issue which is exclusive to a few areas of geography that are especially exposed to drug trafficking from international sources. This is an issue which has come into the mainstream and the Main Streets of America. The strong steps which this legislation takes would be a statement of our national commitment to winning the war against drugs. I am concerned, Mr. President, that this is a war in which we have sent out mixed signals. The actions which were taken in 1987 in terms of sharp recommended reductions in the 1986 drug legislation would have been analogous to the United States, in 1942, having decided to surrender and retreat from the commitment that we made on December 8, 1941, in declaring war against the Axis. We need to see that our national security and victory in the war against drugs are common objectives. They are not separate issues. They are issues which must be seen as necessary victories for America if America is to realize its future.

Mr. President, I ask unanimous consent to submit for the RECORD an article from the Florida Times Union of March 13 of this year and an article from Newsweek of March 28 of this year outlining the drug situation in

the city of Jacksonville, FL, as well as on a national front.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

## CRACK FUELS FIRE OF ILLICIT ACTIVITY

(By Peggie I. Evans)

"You want to buy some?" asked G.G., one of hundreds who sell crack cocaine on the streets of Jacksonville.

Displaying a big wad of money pulled from his pocket, G.G., 19, said he makes \$800 a week selling crack in Brentwood Park, a public housing project on the city's Northside.

Six months ago before entering the illicit drug trade, he said, he worked in a fast-food restaurant. G.G., unlike many who deal in crack, said he does not use drugs, and uses his money to buy clothes and for savings.

As the use of crack soars in Jacksonville, more and more people like G.G. are taking to the streets to make big money in a hurry, police say.

"These are people who found a way to make money fast," said Jerry Rinehart, head of federal Drug Enforcement Administration office of Northeast Florida. "Jacksonville was wide-open for it."

In a little more than a year's time, crack, an inexpensive, highly addictive form of cocaine that is smoked, has been designated as the Jacksonville Sheriff's Office No. 1 crime problem because of the violence and other crime it breeds.

"What was a minimum problem is now an epidemic," said Wayne Ellis, a special assistant state attorney in Jacksonville in charge of a division set up to prosecute major drug cases in Northeast Florida. Cocaine seizures here that used to measure in the ounces now measure in pounds, Ellis said.

Police blame crack, which accounts for 46 percent of all felony drug arrests in Jacksonville, in part for the city's burgeoning murder rate—the highest in Florida—and growing crime rate, the second highest in the state.

"The people who buy drugs here have to get money to buy drugs. They steal, they rob," said Captain W.K. David, head of the Sheriff's Office's narcotics division. "People don't rob a 7-Eleven for \$50 for the profit" but for money to buy drugs, he said.

Crime is terrorizing Jacksonville's poor neighborhoods, where most of the city's crack is sold—usually openly on street corners—and where gunfights often break out. In one neighborhood, near Myrtle and 21st streets, seven people were shot to death within a few weeks time in late 1987.

Escalating crime and drug fights have turned some neighborhoods into virtual war zones, with residents fearful to leave their homes.

"We hear shooting at night. We don't know where it's coming from," said a gray-haired grandmother who has lived in her small, neat home in Springfield for 14 years.

"I used to feel safe living here," the woman said. Now, she said, "I'm scared to go out at night."

Springfield, once a neighborhood of mostly big, fine homes, is largely a rundown Northside neighborhood where many homes have been boarded up and abandoned. It is an area infested with drug dealers, with street pushers openly flagging down passers-by in an effort to make a sale.

"You walk two blocks and you get killed," screamed a man repeatedly to a visitor to the neighborhood.

"People are afraid of getting robbed or mugged if they leave their homes. And if

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they leave their homes, they're afraid their homes will get robbed," said Jacksonville Councilwoman Sandra Darling, who represents Springfield. Ms. Darling uses a gun, an alarm system and three Doberman pinschers to guard her home in the neighborhood, she said.

Across town in Colony Manor Apartments, a public housing project on the city's Southside, a mother recalls getting caught in the crossfire of a shoot-out as she and her child pulled their car into the drive of the project, where she said drugs are openly sold around the clock.

"I didn't know whether to pull up or go backward. I had my little boy. We could have been killed."

"I don't fault the police," the mother, who like other neighborhood residents interviewed did not want her names used for fear of reprisals from drug dealers. "The sight of police cars and they run," but minutes later they are back selling drugs," she said.

At University Hospital, nurses and doctors struggle to care for infants born with cocaine addiction passed on to them from their mothers who are addicts.

In crack houses—where addicts gather to buy and smoke the drug—and on street corners around the city, young women sell their bodies for as little as \$10, police say, just enough to buy another crack high.

"It's going to get worse before it gets better," Ellis said. "We're in for a tough time for the next year or two."

The reason crack use has spread so quickly in Jacksonville and many other parts of the nation is because it is cheap, quickly addictive, and profitable for drug dealers to sell because of the nation's abundant and increasing supply of cocaine, which made up the biggest share of the nation's 1987 estimated \$130 billion illegal drug trade, say federal drug enforcement officials.

Jacksonville's proximity to South Florida, the nation's hub for cocaine trade, has made it easy for dealers to get cocaine. The drug is usually transported from South Florida to Jacksonville up I-95, where heavy traffic makes it virtually impossible for police to halt the flow of drugs there, law enforcement officials say.

A "hit," or dose, of crack costs \$10 on Jacksonville's streets, vs. the \$70 to \$90 a gram for powdered cocaine, making crack affordable to many. Crack users become addicted to the drug in as little as two weeks, according to drug therapists.

The tragedy of crack addiction is comparable only to heroin addiction, and is perhaps worse, drug therapists say.

"We've had patients go downhill in three months, lost their job, everything," said Michelle Fitzhugh, a head nurse at River Region Human Services Inc., a nonprofit Jacksonville drug treatment center. "Some have engaged in criminal activity to buy the drug. You don't see that happen so fast in drugs except crack cocaine."

A \$10 hit of crack produces a high that lasts 15 to 20 minutes, and addicts can spend in the hundreds of dollars a day to feed their habits. After their euphoric high, addicts experience extreme depression, restlessness and become paranoid, with an overpowering craving for yet another high.

Crack is made by cooking impurities out of cocaine, producing a more potent drug. Tiny yellow chunks of crack are sold on Jacksonville's streets in small, clear plastic bags that are used for storing contact lenses.

The people selling crack on Jacksonville's streets number in the hundreds, police say, and many are making hundreds of dollars a day in drug sales. Many of them are crack addicts themselves, and many are armed with guns and knives.

Most street dealers are from Jacksonville, but growing numbers are from South Florida.

Because South Florida is saturated with cocaine and because of heavy drug enforcement there, some small dealers are leaving the part of the state for greener pastures elsewhere to sell their drugs for a higher price with less risk to themselves.

"When we put all the pressure on a place like Miami and those people start going to jail, people there start looking for another place to go" and some are coming to Jacksonville, Rinehart said.

An alleged crack dealer known as Bo Didley, who controlled crack sales in a 30-block area of Miami, left the city six months ago after his organization was battered by heavy arrests and drug seizures, police said. And according to Miami police Sgt. David Riggs, Didley has relocated his operation to Jacksonville.

South Florida's estimated 200 drug kings who preside over much of the nation's drug trafficking, however, are not leaving their longtime base, DEA officials say.

Jacksonville police and federal drug agents estimate there are less than a half dozen loosely knit organizations that are controlling a large portion of crack sales in Jacksonville. The organizations vary in size from 10 or 15 people to as many as 50 people who are responsible for transporting cocaine to Jacksonville, making it into crack, and distributing it to their numerous street dealers.

On the streets, teenagers get paid \$150 a day to patrol territories on bicycles and give street dealers warning of approaching police units or suspicious cars that may contain undercover police. The dealers often run and toss away their drugs, making arrests difficult.

In addition to the organized crack operations, police say numerous small entrepreneurs are cooking up their own crack to sell on the streets.

Many of the city's shootings and murders—42 murders so far this year and 151 in 1987—have been triggered by crack dealers fighting over street territory or disputes over drug deals, such as when a crack user finds he has been sold chips of soap instead of crack, police say.

The Miami Boys, violent crack dealers thought to be part of a cartel from South Florida, make up less than 10 percent of the city's crack dealers, DEA and Jacksonville sheriff's official said.

Those running the city's crack cocaine organizations, which like the street pushers are made up mostly of Jacksonville people intertwined with growing numbers from South Florida, are making as much as thousands of dollars a day, according to Jacksonville narcotics Lt. W.B. Hodges.

"They live in the fast lane. They drive big cars—usually several—like BMWs and Mercedeses," Hodges said. "They like gold. Big gold chains and big gold diamond rings. Gold seems to be their status symbol."

The city's major crack dealers live in middle-class neighborhoods but may decorate their homes elaborately on the inside with expensive goods, Hodges said. "They spend most of their money on themselves and their women," saving little, he said.

Under the Jacksonville Sheriffs Office's Operation Crackdown, a special task force set up last November to attack the crack problem, more than 1,000 people have been arrested in the last three months. But almost all have been street pushers and crack users, with the city's major crack dealers left unscathed.

Federal and Jacksonville law enforcement agencies are focusing increasing resources on busting up the city's crack cocaine orga-

nizations. When and if the busts are successful, there will be increased violence on Jacksonville's streets as new dealers move in and fight it out over territory, said DEA special agent Brian Rafferty.

"There will be gang fights and killing on the streets," said Rafferty, who is stationed in Jacksonville.

But breaking up the organizations will also disrupt the flow of crack to the streets, says DEA's Rinehart. "It'll take organizations one and a half years to get where these people are today," Rinehart said.

Crack dealers, who are mostly young and black, are a separate and distinct group from cocaine dealers, who are mostly white, individual entrepreneurs who sell their drugs through a network of contacts rather than on the streets, Rinehart said.

Powdered cocaine is an abundant in Jacksonville as crack, which is used by blacks and whites, but the violence and crime associated with crack has made that drug law enforcement's biggest worry, police say.

As part of Operation Crackdown, sheriff's officers posing as pushers have taken to the streets selling crack. Crack users have offered as payment for the drug such items as a moped, chain saw, a leather jacket and jewelry, items which most likely were stolen, said David of the city's narcotics division.

The sting operations with police acting as street, pushers, which some defense lawyers have decried as entrapment, began in February and are expected to continue at the rate of several a month. Police say jailing crack users, even if only for a short time, may deter them from seeking the drug when they are freed for fear of another arrest.

Possession of crack is a felony, but sentences are often short because of jail and prison overcrowding. Street dealers are usually charged with possession rather than stiffer trafficking charges because they carry only small amounts of crack, stashing the rest under a nearby bush or letting someone a block away hold most of their drug.

Prosecutor Ellis said he is planning to take crack offenders into the public schools in a few weeks to talk to students about the addiction that has placed the addicts behind bars and wreaked havoc in their lives.

Marijuana remains the drug of choice for most students because it is so cheap, but law enforcement officials worry that once teenagers get out of school they may graduate to using crack.

"Education is the key to this whole thing," Ellis said. "We can't seal the borders, and we can't put a police officer on every corner."

Darrel Gonzales started smoking marijuana when he was 13 and by 22 was addicted to crack. Now 26, he is in a drug treatment for the third time trying to kick his crack habit.

"It ruined my job that I had. It lowered my morale, my values. It destroyed every sense of responsibility. Nothing was as important as me getting high," said Gonzales, who once worked at a stock brokerage firm. Before entering River Region for treatment, he said, he stole from his family and friends to help support his up to \$100 a day crack habit.

"It had to be God helping me," Gonzales, who was never arrested, said about his decision to enter treatment again. "Crack will reduce you to nothing."

## THE DRUG GANGS

Bleak by day and terrifying by night, south-central Los Angeles could be the set for some B-picture about the world after a

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nuclear apocalypse—a nightmare landscape inhabited by marauding thugs and hard-nosed cops, a world in which innocence is hostage to violence and bystanders too often wind up as victims. When darkness comes to Watts, law-abiding citizens cower behind locked doors. Shadowy groups of young men pad quietly down the alleyways while police cruisers roam the streets and helicopters clatter overhead. The police presence is overwhelming; anyone on the street is liable to be stopped and questioned. "Hands on the car, homeboy! Where's your ID? What's that in your pocket? Got any dope? Seen any gang bangers? Where you been, where you going? Answer me, homes—I'm talkin' to YOU."

Week by week and year by year, the ominous statistics mount up: in 1987, when gang homicides rose to 387 in Los Angeles County, the cops made more than 12,000 gang-related arrests and countless thousands of curb-side rousts in south-central L.A. The name of this tough and dangerous gang is suppression—a massive attempt by the outnumbered Los Angeles police and sheriff's departments to keep the estimated 70,000 gang members in Los Angeles County off balance and the defensive. It isn't working. Despite years of experience combating street crime, few L.A. cops will deny that their war against the groups has taken a decisive turn for the worse. The gangs are better armed and more violent than ever before; they are also more adept at evading the law. It's like Vietnam, says one prosecutor: "The cops are winning all the battles, but we're still losing the war."

The reason is drugs—particularly crack, or "rock," cocaine. The trade, built on the enormous influx of cocaine from Latin America, is now transforming some of the country's toughest street gangs into ghetto-based drug-trafficking organizations. Equally ominous, according to law-enforcement sources, is the fact that at least some L.A. gangs have now established direct connections to major Colombian smugglers, thus ensuring a continuous supply of top-quality cocaine.

Dangerous as it is, the situation on the West Coast is just part of a much larger problem. Big-city gangs in New York, Chicago, Miami and Washington, DC, are breaking into the crack business as well, and some are actively spreading drugs and violence to other cities all across the country. In Chicago, where gang membership has now reached an estimated 13,000 after a lull in the 1970s, the infamous El Rukns are under active investigation for drug trafficking. In New York, where a rookie cop was assassinated by a cocaine kingpin's hit men three weeks ago, police are struggling to contain an explosion of drug-related violence that has left more than 500 persons dead in upper Manhattan alone during the past five years. A Miami-based gang called the Untouchables is pushing crack northward to Atlanta, Savannah and other cities of the Southeast, where the group is known and feared as the "Miami Boys."

There are black gangs, Hispanic gangs, Asian gangs and gangs drawn from specific nationality groups. Police from Boston to Houston are alarmed by the emergence of Jamaican gangs known as "posses." According to federal sources, there are 30 to 40 posses with a total of about 5,000 members now operating in the United States. Clannish, cunning and extraordinarily violent, the Jamaicans are dominating the drug trade in carefully chosen cities from Texas to Alaska. "The bigger crack becomes, the bigger the posses get," says special agent James Watterson of the U.S. Bureau of Alcohol, Tobacco and Firearms. "And what's scary is

that the crack problem just keeps getting worse."

The ghetto gangs' entry into drug trafficking on a major scale may be creating the nation's biggest crime problem in decades. Drug profits are soaring—and so is the drug-related homicide rate in cities where the gangs are most entrenched. It is arguable, in fact, that the emergence of drug gangs from coast to coast is very similar to what occurred during the early years of Prohibition, when La Cosa Nostra—the Mafia—consolidated its status as an underworld cartel by building on the profits of illicit alcohol. "Look at the development of organized crime in the United States," says Thomas Reppetto, president of the Citizen's Crime Commission of New York, a privately funded group. "If we've learned anything, it's that once we let these guys get too big, we've got a situation that will take decades to [control]. The [ghetto] gangs now have an opportunity provided by the crack explosion and the breakup of [traditional] organized-crime groups. These gangs are where the [Italian] gangs were when they moved into bootlegging. We can't let that happen again."

"Kill him": The analogy to Prohibition, as Reppetto notes, has one significant flaw: today's ghetto gangs, especially the Jamaican posses, are far more violent than the Mafia. In part, the extraordinary level of violence is the result of the ready availability of military and paramilitary weapons. Guns like Uzis, AK-47 assault rifles and AR-15 semiautomatics are widely bought (some even legally in gun shops) by gang members, who finance their high-tech arsenals with profits from the drug trade. Another factor, experts agree, is the sociopathic recklessness of these youth: big-city ghettos and barrios are full of teenagers whose poverty and deprivation have immunized them to both hope and fear. The result is a casual acceptance of—and sometimes enthusiasm for—torture and murder, "drive by" shootings and public mayhem. "If they don't kill you, they'll kill your mother," BATF's Watterson says of the Jamaican gangs. "The Cubans and Colombians don't want to deal with them because they're so dangerous." But the point applies to New York's black and Dominican drug gangs as well. Investigators say these gangs make a point of staging their assassinations in broad daylight whenever possible. "You don't kill no mother----- from across the street," one young hit man explained to undercover agents. "You walk up to him, you kill him in his head."

Gang culture—the mock-feudal tradition of inner-city kids banding together for comfort, support and mutual protection—has a long and, some would say, romantic history in America. Think of "West Side Story." It is still true that many gangs are little more than collections of neighborhood youths with a penchant for macho posturing, petty crime and street brawls over girls or turf. Recruitment begins early, in the grade-school years: gang veterans call their young acolytes "peewees" or "wannabees" (want-to-be's). Though old hands say the custom is dying out, initiation by a Los Angeles gang is supposed to be a brutal ritual known as being "courted in" or "jumped in." To be jumped in is to receive a beating administered by three or four gang members: the candidate is expected to show his fighting spirit. If he passes the test, the peewee then becomes a "banger" or "gang banger" and is entitled to share in the gang's fortunes or, more commonly, misfortunes (George Will's column, page 76).

Colors and signs: The two most notorious L.A. gangs—the Bloods and the Crips—are not really gangs at all. Instead, the names denote legendary confederations among

hundreds of subgroups, or "sets." Sets are formed along neighborhood lines, and only a few have more than 100 bangers; 20 to 30 members is commonplace. Leadership is usually collective, and internal organization is rudimentary. One gang expert with the Los Angeles Police Department, Deputy Chief Glenn Levant, says most sets are as casually organized as a pickup basketball game. Bloods wear red and Crips wear blue; traditionally, each gang member wears or carries a bandanna (his "rag") to show his colors. (Many gangs also use "signs," which are hand gestures like a letter of the deaf alphabet, for identification when the members are not wearing their colors.) But local variations on the theme are endless, and Crip gangs are almost as likely to fight each other as they are to fight the Bloods.

The days when rival gangs fought each other only over turf and colors are fading fast. In Los Angeles, Chicago, New York and dozens of other cities, gang conflicts have become a form of urban-guerrilla warfare over drug trafficking. Informers, welshers and competitors are ruthlessly punished; many have been assassinated. Gang turf, which is still demarcated with graffiti in Los Angeles, now involves more than bragging rights; it is sales territory. Some gang graffiti care coded threats. One in south-central L.A. reads as follows: "Big Hawk 1987 BSVG c 187." To translate, Big Hawk is a gang member's street name. BSVG stands for Blood Stone Villains Gang, a Bloods set. The lower-case c, which is deliberately x'd out, indicates that the writer kills Crips, and the number 187 refers to the section of the California criminal code for murder.

"Rollers and O.G.'s": The variety of drugs sold by big-city gangs includes heroin, marijuana, PCP, hallucinogens and designer drugs like fentanyl, a synthetic heroin that is even more potent than the real thing and just as addictive. But crack cocaine is the rage—and the scourge—of the ghetto. Crack is a drug peddler's dream: it is cheap, easily concealed and provides a short-duration high that invariably leaves the user craving more. It was probably inevitable that street gangs, observing crack's arrival in their neighborhoods over the past several years, would be drawn into trafficking themselves. South-central Los Angeles today, like Miami and New York, is flooded with crack. It is sold on street corners by peewees and in rock houses operated by bangers. Somewhere behind the scenes, much of the ghetto cocaine trade is controlled by what Los Angeles calls "rollers" and "O.G.'s"—old gangsters, a term that usually refers to gang veterans, many of them still in their 20s, who have been to prison.

Rollers, short for "high rollers," are gang members who have made it big in the drug trade, whether or not they are actually at the top of the distribution pyramid. Typically, rollers are in their teens or 20s. They tend to wear gold jewelry and drive flashy cars: Datsun sports coupes, five-liter Mustang, BMW's and Mercedes-Benzes are among the most popular models. Roger Hamrick, a community-relations worker in Miami, remembers a gang member who moved to Daytona Beach, Fla., to peddle crack. "When he left [Miami], he was on a bicycle," Hamrick says. "When he came back, he wore more gold than Mr. T. and he was sitting in a white Mercedes. He's not even 24 years old and he has two Mercedeses and a Rolex watch." Says Bill Blanco, another gang specialist in Miami: "Who you are is dictated by the gold chains, the Rolex, the car. And everybody's got a car phone." Cellular telephones are more than decoration: of course, they are extremely useful in the drug trade. Beepers, which are equally

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useful to dealers, are now so common among ghetto teenagers that Los Angeles public schools have banned them.

Some gang veterans say the cocaine trade in south-central L.A. is controlled by 15 to 20 O.G.'s—an assessment that is shared by knowledgeable law-enforcement officials. Deputy Chief Levant, who commands a new formed LAPD unit that specializes in major drug traffickers among the street gangs, says 75 to 100 gangs are now actively involved in cocaine distribution. Some of these groups, he says, now have sales totaling up to \$1 million a week. "There is a link between the South Americans and the street gangs," Levant says.

That link—the strategic nexus between the Colombian cocaine cartel and street-level distribution in the United States—is becoming increasingly visible to investigators in southern California and elsewhere. There is little question that some black drug traffickers have now established direct relationships with top-level Colombian smugglers. According to Los Angeles County officials, the Colombians are even willing to sell drugs to O.G.'s and rollers on the consignment basis, a strong indicator of the cartel's trust. One example of the increasingly close connection between the Colombians and the ghetto dealers, was uncovered during Operation Pisces II, a two-year investigation run jointly by the U.S. Drug Enforcement Administration and State and local authorities in California and Florida. Pisces II was a money-laundering sting aimed at identifying both smugglers and dealers. In a videotaped conversation between two Colombian smugglers and detectives who operate the fake money "laundry," the Colombians admiringly described a black trafficker in south Florida. "That s.o.b. he just ordered and ordered; it was hard to keep him stocked," one smuggler exclaimed. "Those blacks are really the best ones," the second smuggler agreed.

East and West: There is equally little question that some of the more aggressive big-city gangs have begun to spread the drug trade into the heartland. Police from Denver to Vancouver report that Los Angeles gangs are moving in to establish branch operations selling rock cocaine. In Atlanta, Savannah and Montgomery, Ala., authorities say the Miami Boys are following the same expansionary pattern. Chicago gangs have appeared in Milwaukee, Minneapolis and Racine, Wis., and the Jamaican posses seem to be organizing crack outlets almost everywhere. Kansas City authorities recently managed to break a Jamaican posse that began importing crack from its East Coast base sometime in 1985; the posse was operating 75 crack houses that grossed \$400,000 a day. After that success, however, Kansas City was invaded from the West Coast as well. In February four members of an L.A.-based Bloods gang were indicted for selling cocaine, and investigators say they have identified 15 L.A. gang members in their city. "This is the first time we've seen an American gang move into town," says U.S. Attorney Robert Larsen. "They're great entrepreneurs."

The big-city boys have two things going for them. First, they are usually able to buy top-quality cocaine directly from major smugglers at wholesale prices—as little as \$10,000 per kilo. The second is that they are better armed and far more violent than the gangs or drug rings they encounter in smaller cities. As a result, they can compete successfully on price and quality—and if those classic business advantages are insufficient to establish a beachhead, they intimidate the competition with mayhem and murder. In Atlanta, says police Lt. John Woodward, the invading Miami Boys demonstrated the

attitude that "we're bad and we'll prove it to you . . . [they'll] walk up to [their competitors] and just kill 'em. It's not, 'I'm going to out-macho you.' It's 'I'm going to kill you.'" The result, Woodward says, was 13 homicides in 1987.

Enriched by their drug profits, big-city gangs can now easily afford the overhead of far-flung operations. The gang may send a scout—often a younger member—to test the market in the target city. If the first expedition pans out, a larger group will follow to rent a ghetto apartment as a stash house for volume sales. Woodward says the look-outs and runners are often local. Bodyguards may be either locals or out-of-towners. But the higher-ups, who control the stash and count the money, are always members of the invading gang. The amount of cocaine involved, Woodward also says, need not be large—a kilo or so every few days. Bring in "one kilo and you've got 10,000 bags of crack, and that will supply quite a few little housing areas for a few days," he says. "You're talking about \$25 a bag, or \$250,000 per kilo. The kilo costs [the Miami Boys] \$10,000 to \$12,000 in Miami, so there is a great, great profit margin here."

The posses: Although there is still some controversy over just how well organized the American drug gangs are, no one doubts that the Jamaican posses are as disciplined as they are violent. Many members are believed to be illegal aliens, and the groups themselves are usually based in Jamaican-immigrant communities on the East Coast—New York, Miami, Washington, D.C., among others. But their nationwide spread over the past several years has been staggering. The posses are major factors in the crack trade in most East Coast cities. They are also active in Dallas and Houston, in cities across the Midwest and, remarkably enough, they have recently been spotted in Anchorage, Alaska. Like most American drug gangs, the Jamaicans are known to hire local helpers when they open a crack house in a new city. But the core group is always from the island, and no outsiders are allowed to penetrate the upper echelons of the ring.

U.S. lawmen say many of the posses have their roots in the slums around Kingston, Jamaica. Their names reflect that genealogy. The Riverton City posse is named after a Kingston neighborhood, and so are the Mavely and Waterhouse posses. (The Jamaicans call themselves posses after the armed bands in American Westerns.) Some, like the Shower and Spangler gangs, claim vague affiliations with Jamaican political parties: the Spangler posse aligns itself with the People's National Party of former prime minister Michael Manley, while the Showers identify with the Jamaican Labor Party of current Prime Minister Edward Seaga. Jamaican politicians, however, disavow any connection to the groups.

In reality, most posses were probably marijuana-smuggling rings in Jamaica. But the crack explosion of the 1980s offers unlimited profits to the posses just as it does to American gangs, and Jamaicans have been even quicker than the American gangs to exploit the opportunity. South Florida, with its Colombian drug connections, is the adopted home for an estimated 1,000 posse members. The Shower and Spangler posses are the two main groups, and some lawmen say all other gangs are offshoots of these two. The lesser posses have exotic names like Dog, Jungle and Okra Slime. One group, the Jungle Lites, is reputed to be expert in guerrilla-warfare tactics, and police suspect they may have received military training in Cuba.

Reggae and death: But every posse has a fearful reputation for violence. Nationwide, according to U.S. experts, the Jamaican

gangs have been linked to 800 murders, including more than 350 last year alone. Posse gunmen are known to prefer shooting their victims in public, and reggae clubs in major cities have a well-deserved reputation for frequent homicides. A dispute between posse members at a reggae club in Houston last October led to a fatal shooting in front of nearly 100 witnesses, and New York police report that homicides occur almost weekly at a popular Brooklyn nightclub known as the Love People disco. Torture and maimings are posse trademarks as well. "They don't mind shooting people. We've had numerous cases of Jamaicans who were shot in the knee or leg," says Dallas police investigator Charles Storey. "A lot of groups have a potential for violence, but [the Jamaicans] demonstrate it daily." Dallas police say Jamaicans were linked to 35 homicides in 1987 and 10 to 12 so far this year.

The explosive growth of the drug gangs nationwide is putting enormous pressure on police all across the country. Cocaine and heroin traffickers are now deeply entrenched in the ghettos of many larger cities, and drug profits are a powerful incentive to hundreds of thousands of unemployed black and Hispanic teenagers. In addition, many gang members are increasingly expert in exploiting loopholes in the law. As a result, California and New York authorities are considering new anti-gang legislation patterned after the federal RICO (Racketeer-Influenced Corrupt Organization) law; such state RICO statutes will enable prosecutors to seek longer prison terms for gang leaders convicted on other charges. Officials in cities like New York, San Francisco and Washington, D.C.—to say nothing of Los Angeles—are also being forced to reorganize their police departments to meet the threat of drugs, which means cutting back on manpower for other crimes. "We need more resources—people and equipment," says Frank Storey, the FBI's chief drug official. "Resources are the most critical problem at the federal, state and local level."

Outmanned, outgunned and outspent, the cops are fighting back as best they can. There is nothing they can do to control the spread of weapons like Uzis and AK-47s. As long as such guns have been adapted to fire only on semiautomatic—a procedure that is readily reversed by outlaw gunsmiths—the sales are wholly legal under federal law. Officers who must deal with the gangs routinely wear armored vests (which often will not stop an assault-rifle round), and many departments now equip all their officers with automatic pistols to increase their firepower. But ghetto busts are extremely dangerous anyway: in Boston, for example, Police Lt. Det. Mel Ahearn has trained a special "Jamaican entry squad" to take on the posses in their strongholds.

There is every indication, meanwhile, that the gang/drug problem will get worse. If the analogy to Prohibition is accurate, the gangs have only begun to consolidate their hold on drug trafficking—and given their growth so far, it seems reasonable to expect that they, like the Mafia before them, will become even more skillful in evading law enforcement. The supply of smuggled drugs—Asian heroin, Mexican heroin and cocaine most of all—seems almost limitless. At the same time, the federal government, which has scattered the responsibility for combating drugs among dozens of different agencies, seems to lack a coordinated national strategy. Who's running the war, America's hard-pressed cops are asking—and when are the good guys finally going to win?



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## A JAMAICAN INVASION IN WEST VIRGINIA

With its tidy clapboard houses and neat apple and peach orchards on land George Washington surveyed centuries ago, Martinsburg, W.Va. (population: 13,000), seems far from the mean streets normally patrolled by drug gangs. But over the last three years, an invasion of Jamaican drug dealers has turned the home of the Mountain State Apple Harvest Festival into a mecca for cocaine.

The Jamaicans first arrived in Martinsburg as migrant workers to pick apples and peaches at harvest time, but many stayed on to peddle coke and crack. Hundreds squeezed into small apartments in a poor neighborhood called "the Hill" and transformed several blocks near the center of town into an open-air drug supermarket. Supplied by couriers shuttling between Jamaican gangs in Washington, Miami and New York, as many as 50 dealers could be found brazenly hawking dope in broad daylight, just three blocks from the police station. At times business was so brisk that intersections were clogged with traffic; many cars bore out-of-state license plates. The customers "were all ethnic groups, age groups and every profession," says police chief Jack Strobridge. "They came riding up on skateboards, on bikes, in Mercedes-Benz cars, in pickup trucks." Stores in the region mysteriously sold out of vitamin B; police soon figured out that dealers were using it to "cut" the cocaine. Then the Jamaicans introduced crack—and started a run on plastic food-storage bags used to package the drug.

Martinsburg's 28-man police force carried out small raids but were overwhelmed by the dealers. In a region where one or two murders per year was the norm, 20 homicides, all drug related, occurred in 18 months as rival dealers fought for control. Cases of venereal disease shot up as prostitutes imported by the dealers worked the streets. At local schools, students hired as drug couriers strutted around in expensive Nike jogging suits and gold chains, intimidating classmates and teachers. A police raid of a Jamaican dealer's house turned up crude photographs of a former homecoming queen posing half nude, pieces of crack lying about her. According to law-enforcement authorities, she later gave birth to a baby fathered by the dealer.

Needles and knives: Residents were virtually besieged in their homes. Theresa Shamburg was unable to leave her driveway without being offered "crack, cocaine or reefer" by pushers. Discarded needles and knives littered her front yard. She called police but they were unable to drive away the dealers. One night, when the Jamaicans outside became particularly raucous, Shamburg woke to see her husband crouched with a shotgun in one hand and a pistol in the other, grimly waiting for a break-in.

Under pressure from the community, local police asked the federal authorities for help. In fall 1986 some 200 agents from a special federal drug task force and local police raided 26 drug dens, arresting 35 dealers and seizing a cache of high-powered weapons. Police also found a "hit list" with the names of local judges and law-enforcement officials. The suspects arrested insisted the names were targeted only for a mystical curse by Jamaican witch doctors. Even so, three county magistrates began carrying guns for self-protection.

Street action: The raid pushed the most blatant dealers off the streets—at least for a while. Much of the street action moved down the road to Charles Town, 16 miles away. But many Jamaican dealers have kept up a flourishing underground trade in Mar-

tinsburg. On warm days, Theresa Shamburg once again sees dealers congregating across the street. The Shamburgs will not wait to see what happens next. After three years of trying, they have finally found an out-of-town buyer for their home. They are moving to a house in the country, but Shamburg suspects there is no escape. She says: "I really don't think it's safe anywhere anymore."

Mr. GRAHAM. Mr. President, finally I ask unanimous consent to join Senators D'AMATO, DECONCINI, and others of legislation providing for the death penalty for those who kill law enforcement officials during the commission of a drug-related crime.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be listed as a cosponsor on the drug bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. DOMENICI. Mr. President, I am pleased to join Senator DECONCINI as an original cosponsor of the Omnibus Anti-Drug Abuse Act of 1988.

We must acknowledge that the drug peddlers of this Nation and the world have declared war on the youth of America. The human cost of the plague of drugs is enormous in lost human potential. Drug abuse is a scourge and disgrace to our Nation.

We must fight back. We have to fight the war against drugs on all fronts: On the border, on the high seas, in the air, in our schools, in our neighborhoods.

The drug problem in American continues. I cannot stress the gravity of this matter enough. Drugs are destroying the minds and killing the people that use them. The number of murders and crimes related to drug trafficking continues to escalate.

I heard an alarming statistic from the Commissioner of the Customs Service at a hearing in my State this past summer. He did a simple calculation just based on the number of individuals who died consuming drugs versus the amount of cocaine consumed in this country. It shows that for every 150 pounds of cocaine consumed, one American dies. This does not even include the deaths involved in the trade—just the deaths based on the consumption of this one drug, cocaine. We are paying a high price in this country: The lives of our people.

As we fight this war against drugs, the nefarious suppliers in other countries are becoming increasingly cagey in subverting our efforts. We must beat them at their own game. In order to win this war, we must bring all the resources we have to bear on this problem.

Two years ago, many of us in the Senate banded together to provide an effective arsenal of weapons to fight this war against the drug merchants. Our efforts have yielded results. We are doing a better job—seizures are up, but production is up, too. We are only keeping pace with the drug producers and traffickers.

We have launched a war and a crusade, but we are just holding our own.

More needs to be done. We need to attack drug abuse and drug trafficking on every front. The Anti-Drug Abuse Act of 1986 started the momentum and now we need to continue it.

This is a war we cannot afford to lose, for this is a war over the minds and bodies of an entire generation of our young people.

The Omnibus Anti-Drug Abuse Act contains new approaches to address both the supply and demand sides of the narcotics problem.

On the supply side of the problem, this bill provides grants for State and local narcotics control programs, construction of new jails, and funds for an international eradication program for drug-producing countries.

On the demand side, the bill addresses the problem by providing funds for treatment programs and facilities.

I am really distressed to hear that people literally have to get on a waiting list to get into drug treatment programs. One of the strengths of this bill is the help it will provide to State and local governments to address the treatment side of the problem.

The price of our effort will be high, but the stakes are high. But we must ask ourselves, can we afford to do less?

I think not. Therefore, I am supporting this bill and hope we can enact into law soon, for every day we waste, more young people are lost to drugs. ●

Mr. HATFIELD. Mr. President, I am pleased to join many of my colleagues as an original cosponsor of the Omnibus Anti-Drug Abuse Act of 1988. The substantial number of Senators who have cosponsored this bill, Republicans and Democrats alike, demonstrates that the Senate recognizes that illicit drugs and drug abuse have become this decade's most severe domestic and international social problem. During the past 8 years, the sheer magnitude of this crisis has become so great that no one can escape its consequences. Every aspect of our world is affected by illegal drugs, from the conduct of foreign relations to the safety of the streets in Portland, OR.

As the General Accounting Office recently reported, illegal drugs are costing the Nation tens of billions of dollars a year in lost wages, law enforcement expenses and treatment. Incapable of calculation are the enormous costs to our citizens and communities created by family strife, pain, suicide, violence, and suffering caused by narcotics and drug abuse.

Mr. President, we are all too familiar with these alarming national statistics. Not as readily known, however, is the fact that drug trade and drug abuse are no longer "big city" problems. Cities such as Bend, Salem, Medford, and Portland, OR, have joined the ranks of New York, Washington, DC, Miami, Chicago, and Los Angeles as communities with serious drug problems.

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In my home State of Oregon, the Interstate-5 corridor, the major West Coast interstate connecting Canada, Washington, Oregon, California, and Mexico, has become a major pipeline for the transportation of illicit drugs. Oregon is now thought to be the Nation's leading manufacturer of methamphetamine and the second largest producer of marijuana. My State's greatest asset—its attractiveness as a place to live and raise a family—is in danger of being tarnished unless we get the drug problem under control. Oregon has developed a dynamic partnership between the Federal and State government in an effort to revitalize the local economy. That will be time and money down the drain if we fail to eradicate this cancer of drug abuse and drug trafficking from our midst.

This bill will assist States like Oregon that supply drugs to other parts of the country in shattering the myth that Latin America is the exclusive origin of our drug problems. Drug interdiction at the source means drug interdiction in Latin America, but it also means drug interdiction in Oregon and other prime drug manufacturing targets in the United States.

The effort being launched today by the introduction of this bill takes a comprehensive approach on an international, national, and local level by addressing both the supply and demand sides of the drug problem. The bill also provides incentives for increased cooperation between local, State, and Federal agencies in the war against drugs. Addressed in the bill are such things as drug enforcement and personnel enhancement, international narcotics control and assistance to foreign countries, drug interdiction improvement, demand reduction through treatment and rehabilitation, research and development, and enforcement training.

A bill of this scope and size inevitably has provisions that are controversial. The total expense of this package in an age of budget deficits and provisions dealing with new prison construction, for example, are troubling to me. No one expects the Congress to adopt this bill in its entirety. As we proceed, however, we can make adjustments and amendments to the bill which will make it even better. Introduction of this legislation marks the beginning of a congressional effort to develop an effective national policy to combat this epidemic. I will be working with the other sponsors of the bill and with members of the Appropriations Committee to accomplish this goal.

● Mr. SARBANES. Mr. President, I am pleased to join as an original cosponsor of legislation being introduced today, the Omnibus Anti-Drug Abuse Act of 1988. The legislation is a broad comprehensive measure that seeks to address the very serious problem of drug abuse and drug trafficking that threatens so many of our communities and our citizens. In fact, it is a prob-

lem that is so pervasive that it threatens the very fabric of our society.

This legislation is a much needed continuation of the Anti-Drug Abuse Act of 1986, which I supported and which passed the Senate by an overwhelming margin in the 99th Congress. It continues the fight against drug abuse and the harmful effect that drug trafficking has on our country. The bill attempts, in a comprehensive way, to address both the demand and supply side of the problem, and to significantly reduce both. It includes provisions to enable us to fight the drug menace at the local, State, and Federal level, and at our borders.

I am pleased to see that a major emphasis is on providing resources to our local and State law enforcement agencies to combat the problem where it is really felt—in our neighborhoods and communities. In fact, just after the administration's budget for fiscal year 1989 was presented to Congress, the Governor of Maryland and the Mayor of Baltimore alerted me to their deep concerns that no funds were included in the President's budget for antidrug law enforcement or for general law enforcement activities at the local and State level. The State of Maryland estimates that one out of five inmates enters the Maryland Division of Corrections on a drug-related conviction. In addition, an estimated 50 percent of the inmates in our State have some kind of drug or alcohol related problem. The bill being introduced today provides a block grant to State and local governments for which they must outline how they will combat the drug problem using law enforcement, education, and demand reduction.

There are also several major provisions in the legislation aimed at combating the flow of drugs into this country. First, the bill includes important initiatives to encourage drug source countries, especially in Latin America, to eradicate their illicit drug crops over a 3-year period. Second, there is a significant enhancement of Federal drug enforcement personnel and operations money for the Drug Enforcement Administration, Customs Service, Border Patrol, and the Coast Guard. These agencies are absolutely vital in terms of drug interdiction. I think it is particularly significant that funds and personnel are being recommended for the Coast Guard when just a short time ago it was announced that drug interdiction efforts would be reduced by 55 percent and a number of important Coast Guard operations would be closed, including the Curtis Bay Coast Guard Yard in Baltimore.

The Omnibus Anti-Drug Abuse Act of 1988 also includes much needed funds for drug and alcohol abuse treatment and rehabilitation, education for our schools and communities, and training for antidrug enforcement personnel. Mr. President, this is a comprehensive bill that merits thorough and expeditious consideration by the

Senate. It is a serious and significant effort to address the drug problems in our country. ●

By Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. STEVENS, Mr. DOLE, Mr. GRASSLEY, Mr. TRIBLE, Mr. THURMOND, Mr. MCCONNELL, Mr. NICKLES, Mr. SYMMS, Mr. KARNES, Mr. HELMS, Mr. HATCH, Mr. GRAHAM, Mr. HECHT, and Mr. PRESSLER):

S. 2206. A bill to amend the Controlled Substances Act to provide for the imposition of the death penalty for the intentional killing of a law enforcement officer and for certain continuing criminal enterprise drug offenses; to the Committee on the Judiciary.

IMPOSITION OF DEATH PENALTY FOR KILLING OF LAW ENFORCEMENT OFFICERS AND CERTAIN CONTINUING CRIMINAL ENTERPRISE DRUG OFFENSES

Mr. D'AMATO. Mr. President, I commend my colleague from Arizona, Senator DECONCINI, for his untiring efforts to bring to this point what I consider to be this Nation's most important undertaking. That is, to see to it that we pass legislation comprehensive in nature and to fund that legislation to undertake a real war against drugs. To date, we have heard many proclaim that they want to take on this crusade. There simply has not been enough action. There has been great rhetoric, particularly before political campaigns, but little in the way of action. We have heard a great deal of concern about turf, about jurisdiction, about who will get to do what. However, we have heard little as it relates to what is taking place on our streets, in our neighborhoods and even less as to the resulting loss of domestic tranquility.

Mr. President, one need simply look at Panama today to see this as an example of what the narcotics trade can and has done. Narco-militarism, which is spreading in Latin America, is a far greater threat, in my view, to our Nation's stability and the stability of this hemisphere than all of the Sandinistas. But I am concerned as it relates to that issue as well.

This bill, Mr. President, provides for capital punishment in two cases. First, for the drug kingpin who intentionally murders or orders a murder as part of a continuing criminal drug enterprise. Second, for the intentional killing of a policeman or other Federal, State, or local law enforcement officer as part of a continuing criminal drug enterprise.

We have just seen the most incredible circumstance take place; one that no one ever would have believed. We have seen the intentional killing of a 22-year-old law enforcement officer, New York Police Officer Edward Byrne, simply because the drug organization wanted to demonstrate that they could and would kill a police offi-

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cer. This organization was outraged at being harassed because some of their members are being imprisoned for drug dealing. This murder is something that no one could have ever conjured or believed would have taken place.

Mr. President, I again pay tribute to my colleague, Senator DeCONCINI, for his leadership in this effort, for his tireless work and the work of his staff. There is a lot more that can and should be said. I intend to do that at a later date, but I think it is now time for action and for people of all parties and all political persuasion to come together to meet the expectations of the American public by a first step in terms of enacting and funding this legislation.

## THE ANTI-DRUG ABUSE ACT OF 1988

The Anti-Drug Abuse Act of 1988 provides more than \$2 billion over the President's fiscal year 1988 budget request to attack both the supply of, and demand for, drugs.

This bill contains 200 pages of initiatives to attack the many parts of this grave threat.

These include:

## DEMAND REDUCTION: TREATMENT

Bill provides \$485 million over the President's budget next year for alcohol and drug abuse treatment block grants.

A \$50 million increase for the alcohol, drug abuse and mental health block grant, raising it from \$508 million to \$558 million; and

A \$435 million increase for the emergency drug treatment block grant, raising it from \$165 million to \$600 million.

For the first time, our bill commits the Federal Government to help fund drug treatment center construction and renovation on a large scale. It is estimated that \$60 million is needed to build enough treatment centers to add 4,000 beds. Our bill permits up to \$240 million for this purpose in fiscal year 1989. This would add 16,000 treatment beds nationwide.

## DEMAND REDUCTION: DRUG PREVENTION

Our bill increases the President's drug education budget from \$250 million to \$300 million, a \$50 million increase in fiscal year 1989. It also tightens controls so that school districts will have to set goals for their programs, evaluate their success and failure, and report on their efforts to correct program weaknesses.

## SUPPLY REDUCTION: DOMESTIC LAW ENFORCEMENT: STATE AND LOCAL DRUG ENFORCEMENT ASSISTANCE

Our bill rescues the State and local drug enforcement assistance program from extinction. It provides \$250 million in fiscal year 1989; \$500 million in fiscal year 1990; and \$750 million in 1991.

To ensure the quickest possible delivery of drug enforcement assistance funds to cities with populations over 500,000, our bill requires the States to make funds available to those cities

within 30 days of Justice Department approval of a State's application.

## FEDERAL LAW ENFORCEMENT BUDGETS ARE INCREASED BY \$800 MILLION

Coast Guard is transferred back to the Department of the Treasury; \$200 million for 4 new Federal prisons; expedited deportation of criminal aliens.

## SUPPLY REDUCTION: INTERNATIONAL EFFORTS—INTERNATIONAL ASSISTANCE

This bill provides \$600 million over 3 years for a new economic incentive program to encourage drug source countries—like Bolivia, Peru, and Colombia—to eradicate 15 percent of their drug crops in the first year, and 40 percent over a 3-year period.

There is now no such incentive program. Our bill does not offer a "give-away." To qualify for this assistance, a country has to earn it. It has to eradicate drug crops on a large scale.

## EXAMPLE OF BOLIVIA

In 1987, Bolivia had 40,000 metric acres of coca under cultivation. To qualify for aid under our plan, Bolivia would have to eradicate 6,000 metric acres next year. State Department figures indicate that our current strategy is clearly not working: coca cultivation in Bolivia is expected to increase by 4,000 metric acres next year.

It is time for a change.

I call on the House and Senate leadership to take up this drug bill at the earliest opportunity. This bill hits every important aspect of the anti-drug effort and carefully allocates resources between the supply and demand sides of the drug problems. It must be passed and enacted into law!

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2206

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—DEATH PENALTY

## SECTION 101. ELEMENTS OF OFFENSE.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by inserting after subsection (b) the following:

"(c)(1) If, in the course of engaging in a continuing criminal enterprise, a person intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual, that person may be sentenced to death.

"(2) If, in the course of engaging in organized ongoing drug crime, a person intentionally kills a Federal, State, or local law enforcement officer engaged in, or on account of, such law enforcement officer's official duties, that person may be sentenced to death.

"(3) As used in this subsection—

"(A) the term 'Federal, State, or local law enforcement officer' means an officer or employee of the United States, a State, a municipal corporation, a county, or other political subdivision of a State, who has authority under applicable law to enforce the criminal laws of the United States or a State; and

"(B) the term 'organized ongoing drug crime' means a felony violation of this title or title III which is a part of a continuing series of violations of this title or title III which are undertaken with 5 or more persons."

## SEC. 102. PROCEDURE APPLICABLE WITH RESPECT TO THE DEATH PENALTY.

Section 408 of the Controlled Substances Act (22 U.S.C. 848) is amended by adding at the end the following:

## "HEARING REQUIRED WITH RESPECT TO THE DEATH PENALTY

"(f) A person shall be subjected to the penalty of death for any offense under this section only if a hearing is held in accordance with this section.

## "NOTICE BY THE GOVERNMENT IN DEATH PENALTY CASES

"(g)(1) Whenever the Government intends to seek the death penalty for an offense under this section for which one of the sentences provided is death, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

"(A) that the Government in the event of conviction will seek the sentence of death; and

"(B) setting forth the aggravating factors which the Government will seek to prove as the basis for the death penalty.

"(2) The court may permit the attorney for the Government to amend this notice for good cause shown.

## "HEARING BEFORE COURT OR JURY

"(h)(1) When the attorney for the Government has filed a notice as required under subsection (f) and the defendant is found guilty of or pleads guilty to an offense under subsection (c), the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury;

"(iii) the jury which determined the defendant's guilt has been discharged for good cause; or

"(iv) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the Government.

"(2) A jury impaneled pursuant to paragraph (1)(B) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than 12.

## "PROOF OF AGGRAVATING AND MITIGATING FACTORS

"(i) Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under subsection (c), no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (l) and (m), or any other mitigating factor. Where information

is presented relating to any of the aggravating factors set forth in subsection (m), information may be presented relating to any other aggravating factor. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government of the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

#### "RETURN OF FINDINGS

"(j) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (1) or (m), found to exist. If one of the aggravating factors set forth in subsection (m)(1) and another of the aggravating factors set forth in paragraphs (2) through (7) of subsection (m) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding of such a factor by a jury shall be made by unanimous vote. If an aggravating factor set forth in subsection (m)(1) is not found to exist or an aggravating factor set forth in subsection (m)(1) is found to exist but no other aggravating factor set forth in subsection (m) is found to exist, the court shall impose a sentence, other than death, authorized by law. If an aggravating factor set forth in subsection (m)(1) and one or more of the other aggravating factors set forth in subsection (m) are found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

#### "IMPOSITION OF SENTENCE

"(k) Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

#### "MITIGATING FACTORS

"(l) In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered by are not exclusive:

"(1) The defendant was less than 18 years of age at the time of the crime.

"(2) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The defendant is punishable as a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(5) The defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

#### "AGGRAVATING FACTORS FOR HOMICIDE

"(m) If the defendant is found guilty of or pleads guilty to an offense under subsection (c), the following aggravating factors shall be considered but are not exclusive:

"(1) The defendant—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury which resulted in the death of the victim;

"(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.

"(D) intentionally engaged in conduct which—

"(i) the defendant knew would create a grave risk or death to a person, other than one of the participants in the offense; and

"(ii) resulted in the death of the victim.

"(2) The defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(3) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

"(4) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(5) In the commission of the offense or in escaping apprehension for a violation of subsection (c), the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offense.

"(6) The violation of this chapter in relation to which the conduct described in subsection (c) occurred was a violation of section 405.

"(7) The defendant committed the offense in an especially heinous, cruel, or depraved manner.

#### "INSTRUCTION TO JURY ON RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION

"(n) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the

defendant was not involved in reaching his or her individual decision.

#### "SENTENCING IN CAPITAL CASES IN WHICH DEATH PENALTY IS NOT SOUGHT OR IMPOSED

"(o) If a person is convicted for an offense under subsection (c) and the court does not impose the penalty of death, the court may impose a sentence of life imprisonment without the possibility of parole.

#### "APPEAL IN CAPITAL CASES

"(p)(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"(3) The court shall affirm the sentence if it determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of every aggravating factor upon which the sentence was based, together with or the failure to find any mitigating factors as set forth or allowed in this section.

In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence."

Mr. DECONCINI. Mr. President, I thank the Senator from New York for his leadership in this area.

Mr. President, moments ago, I introduced along with my good friend and colleague Senator D'AMATO, the Anti-Drug Abuse Act of 1988. In order to further strengthen our law-enforcement efforts against those who deal in illegal drugs, I rise in support of the amendment Senator D'AMATO has introduced that will provide the kind of deterrent that I believe would truly send a message to drug traffickers and drug dealers—the United States takes this problem seriously, and we are ready to deal with it in a serious manner.

The D'Amato amendment would amend the Controlled Substances Act to provide for the imposition of the death penalty for drug-related murders and for the intentional killing of a law-enforcement officer as part of a criminal drug enterprise.

Those who deal in illicit drugs have demonstrated a total disregard for human life. The Jamaican gangs, who call themselves "posses", taken from the old wild west movies, have taken control of the "crack" trade in cities across the country. They are better armed than the police—and it is not unusual for them to be armed with AK-47's or UZIS. Law enforcement experts believe they have been responsi-



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ble for at least 600 murders in the last 3 years.

Let me provide an example from Arizona of the brutality and ruthlessness of those who deal in drugs. Witnesses recently testified in Tucson that a 17-year-old Tucson High School student was murdered because he owed his alleged killer \$2 million and 4 kilos of cocaine. The 18-year-old suspect in the case told detectives that he put a wire around the victim's neck and strangled him while two other subjects beat him.

Two years ago when the Senate was working on the Anti-Drug Abuse Act of 1986, the Senate refused to vote directly on the death penalty amendment for drug traffickers and instead used a procedural vote to sidestep the issue. I voted against tabling the death penalty amendment 2 years ago and I believe the argument in favor of this kind of deterrent is stronger than ever.

The American people have consistently demonstrated in opinion polls that they strongly support the death penalty. More than 80 percent of my constituents in Arizona favor the death penalty. Some argue that the death penalty should not be implemented because of the possibility of mistake. I find this argument to be unconvincing in light of the extensive procedural safeguards for capital defendants.

A chronology of the legal procedures required and available to these defendants would convince any reasonable person that the system has done everything possible to minimize the possibility of mistake. It is my opinion that this country is in dire need of the protection afforded to society by the death penalty amendment introduced by Senator D'AMATO.

By Mr. MURKOWSKI:

S. 2207. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide assistance simians and dogs to veterans, who by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration.

ASSISTANCE ANIMALS TO CERTAIN SEVERELY  
DISABLED VETERANS

● Mr. MURKOWSKI. Mr. President, I am most pleased to rise today to introduce a bill which will significantly improve the quality of life and increase the independence of certain severely disabled veterans. This bill would authorize the Veterans' Administration [VA] to provide assistive animals to certain quadriplegic veterans. These assistive animals include specially trained simians or canines.

Mr. President, some 2,300 quadriplegic veterans currently receive service-connected disability compensation from the VA. These veterans, disabled during military service, suffer from paralysis affecting both arms and both legs. These veterans are referred to as "service-connected quadriplegics."

I believe that these veterans—who are permanently disabled as a result of military service—deserve our highest priority. The Congress and the VA must continue to explore all options which will assist these veterans in maximizing their independence and employment opportunities. I am pleased that the VA—with the assistance and support of the "Paralyzed Veterans of America"—has historically been in the forefront of innovative research, treatment, and rehabilitation activities relating to spinal cord injuries.

Mr. President, last year the VA's general counsel was asked for its views as to whether the VA had the legal authority to provide certain veterans with specially trained simians, and in a November 6, 1987 opinion, the VA stated that "we do not find a satisfactory basis in law to provide these aides outside the research setting as a benefit to veterans." The opinion concluded that specific statutory authority would be necessary to furnish simians to disabled veterans. Thus, to further the goal of achieving independence for disabled veterans, I am introducing today a bill which would authorize the VA to provide assistive animals to service-connected quadriplegics.

Due to recent advances in medical technology, a quadriplegic who survives the first year after injury has a nearly normal life expectancy. New technologies, among other things, have assisted quadriplegics in improving their quality of life and provided for greater employment opportunities. A multitude of automobile adaptive equipment provides independence and opportunity; the Robotic Arm, another VA technological invention, can perform functional tasks by voice activated control; computers operated by voice and "sip and puff" respiratory control have provided improved communication and job opportunities for many quadriplegics. Wheelchair improvements have also dramatically increased the mobility of a quadriplegic. Today, there are wheelchairs for every lifestyle—including a variety of sports wheelchairs.

According to Spinal Cord Injury: the Facts and Figures, 92 percent of all Americans with spinal cord injuries reside in private residences, generally at home with family members or friends who provide support and assistance. It is estimated that a quadriplegic requires about 4 to 6 hours of human help daily. This assistance is provided by family members, friends, or a paid caregiver and includes activities such as bathing, dressing, getting into and out of a wheelchair and other tasks.

However, there are an endless number of small tasks with which the quadriplegic may need assistance. For the so-called "high level" quadriplegic—that is, those with little or no use of arms and no use of legs—tasks like turning off and on lights, food preparation, opening and closing doors, re-

trieving a small object, and grooming are impossible to perform alone. The question we must address is the way in which helpful and cost-effective assistance can be provided to veterans to accomplish these tasks.

One answer—which has been shown to work—is to have certain types of animals perform these routine manual tasks. Research has indicated that certain breeds of monkeys and dogs are well-suited for such a program.

Since 1977, through combined funding from the VA and the Paralyzed Veterans of America, a private sector organization known as "Helping Hands" has been conducting research relating to the training and use of monkeys to perform small tasks for quadriplegics. Dr. Mary Jane Willard, a behavioral psychologist and founder of "Helping Hands," noted that quadriplegics who reside at home generally have either too little or too much help. On one hand, a significant number of quadriplegics are left alone for large amounts of time. The quadriplegic is lonely and often goes without basic necessities such as food and drink. For example, without a mouthstick, a quadriplegic cannot turn the pages of a book or use the computer to work; if the mouthstick drops, there is no option but to wait until a time when someone can retrieve it for him. On the other hand, a family member may totally devote him or herself to the care of the quadriplegic, refusing to leave the house because of concerns that his or her loved one may need something. Either situation is terribly difficult and undesirable.

It was with these considerations in mind that Dr. Willard began to study the use of animals in performing routine manual tasks for disabled persons. Research conducted by Dr. Willard and others has indicated that monkeys can be successfully trained to perform a multitude of tasks on verbal command and with the use of a laser pointer. The first specially trained monkey was placed with a quadriplegic in 1979. The monkey's overall reliability in performing tasks has been 94 percent. Currently, seven quadriplegics utilize monkeys to perform daily living tasks.

In addition to performing important tasks, the monkey also provides companionship to the sometimes lonely and isolated life of a quadriplegic. Research has indicated that the neighbors and community members were fascinated with the monkey and this fascination increased the opportunity for social interaction of the quadriplegic. The monkey becomes the topic of communication much like discussions about pets or children often are among parents and pet owners. Research completed in 1982 by Judith Zazula found that monkeys performed their tasks in a reliable and economic fashion and that the animal encouraged interaction between the quadriplegic and the nondisabled public.

Equally as important, the owner derived personal satisfaction from the monkey.

There are, of course, costs associated with training, equipping, and transporting each monkey. While the cost will decrease as the case load increases, "Helping Hands" estimates that if it can train and place 50 monkeys annually, the one-time cost would be \$11,000 each. The monkey has a working lifetime of 20 years. Disney World, Inc., has spent nearly \$100,000 in constructing a facility in Orlando, FL, to breed and raise monkeys for this project. Once established and running at full speed, this will reduce the cost associated with this program.

In addition, Mr. President, a California-based nonprofit organization is involved with training dogs for use by disabled persons, including quadriplegics. This organization, known as "Canine Companions for Independence," was recognized in 1987 by the President's Committee on Employment of the Handicapped with the Distinguished Service Award. This very important organization trains dogs to pull wheelchairs up inclines, retrieve dropped items, and turn lights on and off.

I am pleased that the Paralyzed Veterans of America have written to me to express their support for this important legislation. I commend the fine work of the PVA in their efforts to provide greater independence for individuals with spinal cord injuries.

Mr. President, I urge my colleagues to join with me in support of this legislation.

Mr. President, I ask unanimous consent that the research articles that I have discussed, the PVA letter, the VA's general counsel opinion on this matter, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2207

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ASSISTIVE ANIMALS FOR CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Section 614 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c) The Administrator may provide simians and dogs specially trained as assistive animals to any veteran who, by reason of quadriplegia, is entitled to disability compensation, and may pay travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from such veteran's home that are incurred in connection with the veteran becoming adjusted to such simians or dogs, as the case may be."

(b) CLERICAL AMENDMENTS.—(1) The heading of section 614 of title 38, United States Code, is amended by striking out "seeing-eye dogs" and inserting in lieu thereof "assistive animals".

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking out the item relating to section 614 and inserting in lieu thereof the following:

"614. Fitting and training in use of prosthet-

ic appliances; assistive animals."

#### TRAINING A CAPUCHIN (CEBUS APELLA) TO PERFORM AS AN AIDE FOR A QUADRIPLAGIC<sup>1</sup>

(By Mary Joan Willard, Karen Dana, Lori Stark, Jayne Owen, Judi Zazula, and Paul Corcoran)

**Abstract**—Initial results of a small pilot project indicate that Cebus monkeys have the potential to serve as animal aides for quadriplegics. During the course of the pilot project the investigators developed a set of procedures for teaching a Cebus monkey a variety of helping skills. Given a description of those procedures, a college student with no prior animal training experience was able to teach a naive Cebus apella nine different complex behaviors in 25.5 hr of training over a period of two months.

#### INTRODUCTION

Recent medical progress has permitted the survival of very severely disabled people who, although totally paralyzed, retain unimpaired cognitive and communication skills and in many cases also have a normal life expectancy. The most dramatic examples is the high level quadriplegic after a cervical spinal cord injury. In order to live independently outside of a chronic care institution, such persons require a minimum of 4 to 5 hr per day of human help, generally obtained by paying a "personal care attendant" (PCA). The PCA assists with tasks such as bathing, dressing, bowel and bladder routines, household tasks and errands and transfers into and out of a wheelchair.

Many PCAs provide indispensable services and are highly motivated and reliable. In other cases, however, dependence upon a PCA may be quite unsatisfactory. They are always hard to find, turnover is high, they may not arrive when scheduled, and in a few cases PCAs have exploited handicapped individuals in various unfortunate ways. Furthermore, regardless of the quality of PCA-provided services, reliance upon a PCA is quite expensive. The PCA represents a major expense for the handicapped individual and/or the health care system. Since few quadriplegics can afford a full-time PCA, many spend major portions of their waking hours unattended.

In 1977 P. Corcoran and I began investigating the feasibility of training capuchin monkeys as helpers for the severely disabled. The target population we were interested in includes disabled individuals who are either totally paralyzed from the shoulders down or have only very limited use of their arms and legs. Most spinal-cord-injured persons as well as a small proportion of those with multiple sclerosis, muscular dystrophy or cerebral palsy fall into this category.

#### BACKGROUND AND SUBJECTS

##### First Placement

In 1979, after taming and working with several monkeys, we placed Hellion, a 2-year-old Cebus albifrons with Robert F., a 23-year-old man who is paralyzed from the shoulders down. Over the next 18 months experimental equipment was added to his electric wheelchair which enables him to now direct, reward and punish his trained capuchin. Robert uses a chin-controlled wheelchair to move about his apartment. A mini-laser pointer is mounted alongside the chin control. Robert communicates his needs by aiming the laser at the object he wishes Hellion to manipulate. He combines the laser beam with a verbal command to

the monkey. When Hellion successfully completes a task, Robert rewards her by triggering the release of a food pellet from his wheelchair-mounted pellet dispenser.

Because Hellion's natural curiosity could result in numerous messes in his apartment, a system was developed to prevent Hellion from destroying Robert's possessions. Hellion was trained to avoid all contact with pieces of furniture and miscellaneous personal effects upon which white stickers had been placed. If she does touch a stickered item, Robert is able to punish her by delivering either a warning tone or a tone plus an electric shock to her tail.

TABLE 1.—TASKS AND PERFORMANCE RELIABILITY

[In percent]	
Task	Performance reliability <sup>1</sup>
1. Monkey opens the refrigerator door, removes a covered plastic bowl and carries it to its owner's tray. Monkey then inserts bowl in a slot in the tray and removes the lid.	94
2. Monkey removes a spoon from the feeding tray and feeds its owner. Owner requests each spoonful by making a clicking sound with his mouth.	98
3. Monkey opens the refrigerator door, removes a bottle filled with juice and carries it to the table. Monkey then inserts the bottle into a slot in the tray, removes the plastic lid and inserts a straw into the opening.	95
4. Monkey removes the empty bowl, and/or bottle from the tray and deposits it in a trash can.	88
5. Monkey places tape cassette into a tape recorder so that the cassette is correctly positioned for use.	100
6. Monkey retrieves a mousetick and places the correct end in its owner's mouth.	100
7. Monkey opens the bedroom door, which is then made accessible to the owner in his wheelchair.	100
8. Monkey turns a light switch on or off.	87
9. Monkey activates a mini-vacuum cleaner (modified battery-operated "dustbuster") and pushes it wherever the laser indicates. Monkey then returns it to its housing and turns it off.	50
10. Monkey retrieves a dust rag and dusts wherever the laser indicates.	100
11. Monkey brushes the hair of its owner using a soft-bristled hairbrush.	88
12. Monkey moves objects from place to place following the laser beam.	100
13. Monkey pushes the mouth and chin control arm on the wheelchair within reach of its owner.	100
14. Monkey sits on the lap of its owner on command.	97
15. Monkey returns to its cage on command and shuts the door after entering, thereby locking the cage door.	100

<sup>1</sup> A correct trial was one in which the monkey began the desired behavior within 15 sec. of the initial command. Two hundred and seventy-two behaviors were requested from the monkey over a period of 4 days. Two hundred and fifty-seven behaviors were correctly completed giving the monkey an overall reliability of 94 percent.

Hellion can perform a variety of tasks for her paralyzed owner. Table 1 lists these tasks and the reliability with which they are performed.

#### The General Problem

The training strategies used in teaching Hellion were based upon the principles of behavior modification (Skinner, 1938, 1951; Honig & Staddon, 1977). Although these basic principles of learning provided a guide, working out the step-by-step procedures for teaching specific tasks involved a considerable amount of trial and error. What we felt we needed was a standard set of procedures which could be used by almost anyone to teach a tame Cebus monkey some basic helping skills. Such a set of procedures would allow inexpensive replications of the results we had achieved with Hellion. What follows is a description of those procedures as they were used by an inexperienced trainer to teach a "naive" monkey a basic set of skills.

#### The Monkey

Su Su is an 8-year-old female Cebus apella. Work with two Cebus apellas and four Cebus albifrons led the investigators to conclude that apellas have an activity level roughly one-fourth that of the more acrobatic and somewhat hyperactive albifrons. The attention span of the apella also appears to be much longer. The phlegmatic

<sup>1</sup> This research was funded by the Paralyzed Veterans of America and by the National Science Foundation Grant No. PFR-800, 1938.

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temperament of the apella suggests that they will make significantly better animal aides.

Su Su was purchased from a zoo where she had lived for two years. Although she had been a pet prior to her placement in the zoo, the details of her pre-zoo life are unknown. After she was purchased, all of her teeth were extracted, thereby eliminating any possibility that she might bite her trainer or future owner. She then lived for several months in the home of a volunteer who spent approximately 1 hr with her each day, accustoming her to close contact with humans. When she began her training in January of 1981, she had become a tame and friendly animal.

#### The Trainer

Kathy is a 21-year-old college student who volunteered to train a monkey. She had worked for one year as a veterinary's assistant but had no animal training experience. Kathy was given a 50-page manual of training instructions. She was supervised on an "as needed" basis. Kathy received a total of 2 hrs of assistance from an experienced trainer, primarily in the initial stages of training.

#### TRAINING PROCEDURES

##### Training Room

The sight or sound of people walking or talking easily disrupted the early training. Therefore, initially a 25-ft square windowless closet was used as the training site. Once a behavior had been mastered, however, extraneous auditory and visual stimuli were far less disruptive, and the later stages of training were conducted in a large but sparsely furnished office.

##### Food Deprivation and Rewards

Su Su was deprived of food for approximately 16 hr before each training session. Small amounts of peanut butter or bananas were then used to reward Su Su for successful performance during the session.

##### The Sessions

Sessions varied in length from 20 to 60 min. The average session was 35 min. Typically trainer and monkey spent at least 90 percent of their time on task behavior. If the monkey appeared distracted, confused, or not hungry the session was discontinued and rescheduled. Approximately 15 percent of the sessions had to be rescheduled.

##### Conditioned Reinforcer

Skinner (1951) noted that optimal learning occurs when a reinforcer follows the target behavior within two-fifths of a second. Following Skinner's suggestion the trainer repeatedly paired the sound of a clicker noisemaker with the delivery of a small amount of food. Approximately 100 such pairings took place over the course of two 20-min sessions. By the end of the second session the monkey would look toward the trainer and approach her whenever she sounded the clicker. The trainer then used this same noise in subsequent training to give immediate feedback to the monkey. It was followed by a bit of food a few seconds later.

##### Imitation

The first training objective was to teach the monkey to imitate the trainer in performing a simple task. The trainer gave the command "do this" and simultaneously dropped a rubber stopper into a 20x8 inch shallow box. Initially the monkey was rewarded if she merely touched the stopper. The trainer then repeated the desired behavior and rewarded successive approximations until the monkey consistently picked up and dropped the stopper into the box when given the command. The large box

was replaced with a smaller box and then, after several more correct trials, with a bowl 8 inches in diameter. The monkey was considered to have mastered the task when nine out of ten trials were correct. It took 18 min for Su Su to master this first task.

The trainer next substituted a plastic lid for the stopper and rewarded the monkey for placing this new object in the bowl. After several successful trials she set both the lid and the stopper before the monkey some 18 inches apart. The trainer now selected one or the other of these two objects, dropping it into the bowl as she said "do this." The trainer then replaced the object and waited for the monkey to imitate her. The monkey was ignored for 30 sec (a "time out") if either the incorrect object or both objects were selected. The trainer then repeated the demonstration. If the monkey selected the correct object, the trainer immediately sounded the clicker but withheld the food reward until the monkey also dropped the object into the bowl.

Once the monkey demonstrated the consistent ability to discriminate between the two objects and imitate the trainer's actions, a third object was added and the process begun once again. Through further imitation of the trainer, the monkey was eventually taught to select one of five different objects and place it in one of two different bowls. The monkey took a total of 135 min in mastering this imitation task, and an additional 45 min was spent in practice and review.

##### Fetching

Su Su next learned to retrieve a small object and place it in the trainer's hand. In teaching this task, the trainer took advantage of a skill Su Su had already acquired. The trainer began by giving the command "do this" and then dropped a rubber stopper into a small bowl. After the monkey had correctly imitated this behavior several times, the trainer cupped her hand inside the bowl. The monkey was then rewarded each time she placed the stopper into this hand/bowl combination.

Once the monkey was performing the task without hesitation, the bowl was removed. The monkey was now rewarded for imitating the trainer in placing the stopper into the trainer's cupped hand. After the monkey had done this several times successfully, the trainer changed command from "do this" to "fetch." After several more successful trials, the imitative stimulus was discontinued, and the trainer simply prompted the fetching behavior by touching or pointing to the stopper while saying "fetch" as she extended her other hand.

Because the fetching response was often carelessly performed, the trainer began to withhold reinforcement if the stopper fell out of her outstretched hand. In these instances, the monkey was required to pick up the stopper again and place it in the open hand before receiving a reward. Next, the trainer varied the location of the stopper, although at no time was it placed more than a few feet from the trainer.

Once the monkey had been trained to perform this task reliably, the trainer substituted a series of small objects for the stopper, one at a time, until the monkey would retrieve any small object placed within the immediate vicinity of the trainer. Su Su mastered this task within 17 min.

##### Fetching in Response to the Laser Beam

For this task, the trainer began by reducing the light in the training room by substituting a 15-watt bulb for the normal 100-watt light. She then placed the rubber stopper on the floor and directed a flashlight beam at it. Extending her hand palm-up, she gave the command to "fetch." After sev-

eral successful trials, the trainer substituted a lid for the stopper and again directed the flashlight beam at this new target. Once the monkey had retrieved this second object several times, the trainer placed both objects on the floor 18 inches apart and directed the flashlight at one of them. She gave the command to "fetch", with her outstretched hand held equidistant between the two objects. If the monkey chose the lighted object, she was immediately rewarded. If she selected the incorrect object, the trainer withdrew her hand and the flashlight and ignored the monkey for 30 sec.

Once Su Su was consistently retrieving the lighted object, a 0.5 milliwatt helium neon laser was substituted for the flashlight. The laser projected a ¼ inch diameter bright red dot onto the target. The monkey first spent several minutes trying to eat the dot, but then began to retrieve the object upon which the dot rested. Additional objects were added and trials given until the monkey could retrieve the correct object from among a dozen placed about the room. It took Su Su 145 min to master this task. Another 120 min were spent practicing this task in a variety of settings.

##### Changing the Location of Small Objects

Su Su was next taught to pick up a small object and move it to locations indicated by the laser beam. Once again, parts of an old task were used to teach this new task. The trainer first had the monkey retrieve a rubber stopper highlighted by the laser beam. This was repeated several times. The trainer then substituted the command "change" for "fetch" and simultaneously moved the laser beam from the stopper to her outstretched hand the moment the monkey picked up the stopper.

After several successful trials in which Su Su transferred the stopper to the trainer's hand, the trainer substituted a shoe box for her hand. She again aimed the laser at the location to which the monkey was to transport the object. After several trials in which the monkey correctly picked up the stopper, carried it over, and placed it in the shoe box, the lid of the shoe box was substituted for the box itself. Later a piece of cardboard was substituted for the lid. Still later the size of the target was reduced even further as the cardboard was torn in half, and then into quarters. Finally the cardboard was removed entirely, leaving the beam of light on the floor (directly in front of the trainer) as the only clue to where the stopper was to be placed.

After several successful trials in which the monkey transferred the stopper to the lighted spot, the trainer increased the difficulty of the task by requiring the monkey to move the stopper approximately a foot to her left or to her right. The monkey was not rewarded until she had placed the stopper directly in the path of the beam. Other small objects were later substituted for the stopper, one at a time, so that the monkey was given the opportunity to move any one of the variety of objects from one spot on the floor to another.

Su Su mastered this skill in 120 min. Another 95 min were spent practicing this newly-mastered task in a variety of settings, which included instances of placing objects on top of pieces of furniture.

##### Removing a Plastic Bottle from a Refrigerator, Placing It in a Slot on a Feeding Tray, Opening the Lid and Inserting a Straw

For this chain of tasks, the last step was taught first, then the next to the last step, and so on until the monkey had mastered the entire sequence.

The last step is inserting a straw into an open container. The trainer slid the bottle

into its slot in the feeding tray and began by demonstrating a modified version of the target behavior. She inserted a 3 inch length of straw into the opening and rewarded the monkey for successful imitations. The trainer gradually increased the length of the straw until the monkey could insert a 12 inch length of plastic without difficulty.

The next to the last step in the chain was removing the lid from the bottle. Because the monkey was to do this only when the bottle was properly inserted into its holder, the bottle was always inserted into the feeding tray before the monkey was given the opportunity to unscrew the lid. The trainer first tightened the lid slightly and then demonstrated the twisting motion necessary to unscrew it.

At first the monkey was rewarded for any twisting action, even if it did not result in removing the lid. During any trials in which she removed the lid, the monkey was given the plexiglass straw and required to insert it in the bottle before receiving her reward. The rightness with which the lid was attached was gradually increased until she demonstrated the ability to unfasten a securely closed top. Because the 12 oz square container was to be inserted into a square slot in the tray, the monkey was able to grip the lid with both hands and to exert the force necessary to unscrew the top without also turning the bottle.

The third from the last step in the chain was inserting the square bottle into its proper slot. A square opening 1.5 times as large as the bottle was cut into the bottom of a shoe box. When inverted, the box presented an opening into which the bottle could easily be guided. The trainer demonstrated the desired behavior and rewarded the monkey for successful imitations. Once she had mastered this, the size of the opening was gradually reduced until the monkey could guide the bottle into a snug enclosure without difficulty.

The actual opening in the feeding tray was then substituted for the shoe box. Every time the monkey successfully dropped the bottle into the slot in the feeding tray, the trainer required that the monkey then unscrew the lid and insert the straw before she gave the monkey her reward. When necessary, the trainer prompted the monkey to complete the entire chain of these behaviors by simply tapping the lid or straw to draw the monkey's attention to the next step in the sequence.

The last step in the training process was removing the bottle from a refrigerator and carrying it to the table in preparation for inserting it into the feeding tray. The trainer first placed the bottle 2 ft from the feeding tray on the table and rewarded the monkey when she completed the chain from that point. Next the trainer placed the bottle on a chair next to the table and required the monkey to pick it up, place it on top of the table, and follow through in carrying it to the tray. Finally the bottle was placed on the floor several feet from the chair. If the monkey hesitated, the trainer prompted her behavior by directing the laser beam in front of the monkey to indicate where she was to go.

Opening the refrigerator door was made easy by placing several strips of tape across the magnetic lock. Seated on the floor, the trainer gave the command "do this" while placing her fingers in the door crack. She then gently pried the door open. The monkey was rewarded for successful imitations. The strips of tape were gradually removed one at a time until the monkey could brace herself and tug open a securely closed door. Once she was proficient at this task,

every instance of opening the door was followed by the trainer directing a laser beam at the bottle located on the bottom shelf. She was required to complete the entire chain before receiving a reward. Small amounts of liquid were added to the bottle until *Su Su* could easily carry and manipulate the container when it held 12 oz of liquid. *Su Su* mastered the entire chain in 240 min. An additional 55 min. were spent in practice and review.

*Su Su* was also taught to retrieve a bowl with a detachable lid and a sandwich holder and place them in their proper slots in the feeding tray. Because the training procedures so closely resemble those followed in teaching her to retrieve and position a bottle in the feeding tray, they will not be described here.

*Su Su* mastered retrieving, positioning and opening the bowl in 40 min. She learned to transport and position the sandwich holder in 40 min.

#### RETRIEVING A MOUTHWICK

Many quadriplegics use a mouthstick to type, operate a speaker phone, and turn the pages of a book. If this tool is dropped, they are unable to retrieve it without assistance. *Su Su* was taught to retrieve a mouthstick from the trainer's lap or from the floor.

The trainer began by sitting in a chair at a desk and placing the monkey on the desk top. The trainer then held a pencil with one end wrapped in tape several inches from her open mouth. She said "do this" and inserted the taped end into her mouth. Next, continuing to hold the pencil lightly, the trainer waited for the monkey to touch the pencil and then guided it into her own mouth. The trainer gradually decreased the amount of guidance she provided until the monkey would insert the mouthstick into the trainer's mouth on her own.

The trainer slowly increased the distance between her own mouth and where she placed the pencil until the monkey was able to pick it up from the desk and properly insert it. If at any time the monkey attempted to insert the untaped end in first, the trainer closed her mouth and refused to accept it, and instead gently turned the pencil around in the monkey's hands, prompting her to try again. The task was considered to have been mastered when the trainer was able to drop the mouthstick on the desk, her lap, or the floor, give the command "mouth," and have the monkey properly retrieve it. *Su Su* mastered this task in 25 min. Another 25 min was spent in review.

#### Dusting Furniture or Cleaning Up Small Spills

For this task, the monkey was taught to push a dust cloth along a flat surface following a laser beam. The trainer began by inserting her hand into a cotton potholder mitten and placing the mitten on the floor. Giving the command "do this," she then pushed the mitten with her other hand, sliding it several inches across the floor.

At first the monkey was rewarded for touching the mitten. If the monkey attempted to pick it up, the trainer pressed it tightly against the floor. The monkey could now only employ a sliding motion to move it. As more of the monkey's attempts took the form of pushing movements, the trainer withdrew her hand from the mitten.

Once the monkey was consistently able to push the cloth several inches, the trainer introduced the laser beam as a target. The beam was directed a few inches in front of the mitten. The monkey had only to push the mitten a very short distance before it intercepted the light. As soon as the mitten did cross the beam, the trainer immediately sounded the clicker. The distance between the beam and the mitten was gradually in-

creased until the monkey had learned first to look for the beam and then to push the cloth toward it. The trainer then began to move the beam, requiring that the monkey follow it back and forth across the floor several times before receiving a reward. It took 45 min for the monkey to master this task. Another 30 min were spent in practicing it on various surfaces.

#### Vacuuming

A small non-electric carpet sweeper was modified for use by the monkey. Seated on the floor, the trainer began by placing her leg across the base of the sweeper leaving only the T-bar handle accessible. Saying "do this," the trainer placed both of her hands on the handle. The monkey was rewarded if she placed one or both hands in the same position. Once the monkey had learned to position her hands correctly, the trainer removed her leg from the base of the sweeper. Saying "do this," the trainer now pushed against the handle until the sweeper had moved several inches. The monkey was initially rewarded for any forward pushing, but the distance she was required to travel before receiving a reward was gradually increased. If the monkey stopped short of the desired distance the trainer prompted a second or third push by tapping the handle and giving the command "vac."

Once the monkey had learned to push the sweeper several feet consistently, the laser beam was introduced as a target. As in teaching dusting, the trainer directed the beam 1 to 2 ft in front of the monkey and sounded the clicker the moment the cleaning instrument intersected the beam. Once the monkey had learned to readily follow the beam in a straight line, the trainer began to direct the beam in a wide arc. She gradually increased the sharpness of the turns until the monkey could follow the beam back and forth across the floor without difficulty. *Su Su* mastered this task in 230 min. An additional 80 min were spent in review and practice under a variety of conditions.

#### CONCLUSION

Thus far *Su Su* has spent 25.5 hr in training. Her education is still incomplete. Over the next few months she will be (1) taught to avoid any pieces of furniture on which white stickers have been pasted; (2) trained in several obedience behaviors via avoidance conditioning; (3) trained to use a specially designed toilet which is part of her cage; and (4) given 20 to 40 hr of supervised practice in the home of her new quadriplegic owner.

It is yet too early to evaluate the costs and benefits associated with owning a simian aide. Cebus monkeys do, however, have a life expectancy of 30 years, which means they should be able to serve their owners over a very long period of time. The costs associated at least with the laboratory stage of training are surprisingly low. Kathy's training of *Su Su* demonstrates that even an inexperienced volunteer is capable of achieving sophisticated results with the proper set of instructions.

Should simian aides prove practical, our long term goal is to establish a non-profit program similar to a guide-dog school. However, a number of questions need to be answered before such a project can be undertaken. They include: (1) Does the gender of the monkey affect its performance as an aide? (2) Should the males undergo castration or the females ovariectomies? If so at what age? (3) At what age should a monkey be removed from a breeding colony to be raised by humans? (4) Is there a small monkey suitable than the Cebus apella to act as a helper for quadriplegics?



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Areas we are now working on include: (1) refining and standardizing the equipment used by a man/monkey team; (2) developing a comprehensive list of behaviors useful to quadriplegics which monkeys are capable of performing; (3) refining the procedures used in the later stages of training, including the transfer of control from a trainer to a disabled owner; and (4) training and placing a sufficient number of monkeys with disabled owners that we can evaluate the costs and benefits associated with using a simian aide.

The capuchins's potential to help the paralyzed is exciting. As man and monkey work together daily, constantly practicing old tasks and occasionally adding new ones, the resulting symbiotic relationship promises to be a unique and increasingly complex one.

## ACKNOWLEDGEMENTS

Kathleen Waugh attends the University of Massachusetts. Throughout the training program her patience and good humor inspired us when we most needed encouragement. It is impossible to express our debt to her.

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#### A CAPUCHIN MONKEY AS AN AIDE TO A QUADRI- PLEGIC INDIVIDUAL: AN INITIAL EVALUA- TION

(Judith Lee Zazula, Tufts University Master Thesis, 1982)

## ABSTRACT

In a previous pilot study, a capuchin monkey was trained to retrieve objects, activate household appliances, and feed a human being. The purpose of this study was to evaluate the effectiveness of the use of that monkey as a supplementary aide to a quadriplegic young man. The intent was to determine if monkey assistance would be an effective method of increasing a handicapped individual's ability to interact with his environment.

The evaluation was divided into the areas of (a) task performance, (b) attitudes toward the disabled, (c) undesirable monkey behaviors, (d) cost effectiveness, and (e) the disabled owner's subjective appraisal. Data collection methods included personal interviews, observation during baseline and experimental periods (one involving the monkey and one not), and a record review.

The results indicate that task behaviors of the quadriplegic individual increased when he received assistance from his animal aide. More people were found to initiate verbal interaction with the human subject in public when he was accompanied by the monkey. Specific annoying behaviors that the animal engaged in were identified by the disabled owner and his human attendant. Additionally, the estimated cost of monkey assistance in feeding was less than the cost of human assistance in the same activity. The disabled owner's subjective appraisal revealed that the use of a monkey aide had an overall positive effect on his daily experiences.

In general, tasks were reliably and economically performed, the animal encouraged interaction between its disabled owner and the nondisabled public, negative monkey behaviors were tolerable, and the human subject derived personal satisfaction from his simian aide.

The findings of this initial evaluation imply that the use of a capuchin monkey as an aide to a quadriplegic individual is a feasible method of supplementing the assistance provided by a part time human attendant.

#### CAPUCHIN MONKEYS AS AIDES FOR QUADRI- PLEGICS

(Mary Joan Willard, Ed.D., and Paul Corcoran, M.D.)

Pilot project research has shown that capuchin monkeys have the potential to be as valuable to high-level quadriplegics as guide dogs are now to the blind. Current goals and the progress made on each is as follows:

1. The standardization of training procedures for teaching monkeys a basic repertoire of skills. Approximately two-thirds of the training procedures used in teaching a basic repertoire of skills have been standardized, and are described in a 100-page illustrated training manual. By following the instructions in this manual, inexperienced college students have successfully trained naive monkeys with only occasional help from a training supervisor.

2. The redesign of equipment which allows the disabled user to direct, reward, and punish his animal helper. The shock/buzz remote-control harnesses used to discipline the monkeys have been reduced in size and weight. A variable-level shock control has been added to the unit. Powder reward dispensers which frequently clogged have been replaced with inexpensive manually operated liquid-reward dispensers.

3. A directory of new skills which can be taught to monkeys. Only four new behaviors have been added to the basic list. It seems as if most high-level quadriplegics share many of the same basic needs.

4. Placement of 3-4 monkeys per year with new owners. Three additional placements have been made since June of 1982. Feedback has resulted in a better understanding of the type of situation in which these animal aides can be of most value.

5. The evaluation of all placements. A proposal is being prepared for submission to the VA Prosthetic and Sensory Aids Service requesting an independent evaluation of simian aides.

6. A cost/benefit analysis for the disabled recipient and the health care system. Preliminary results indicate the financial and psychosocial benefits derived from owning a simian aide outweigh the costs. A more formal analysis awaits data that will be collected during the independent evaluation.

7. An analysis of the type of organization which can train and place simian aides on a larger scale. A detached outline of an organization has not only been drawn up, but established. Helping Hands: Simian Aides for the Disabled, Inc. was incorporated in New York State in October of 1982 as a nonprofit organization.

#### THE PSYCHOSOCIAL IMPACT OF SIMIAN AIDES ON QUADRI- PLEGICS

(M.J. Willard, Alice Levee, and Lauren Westbrook)

## ABSTRACT

In 1977 Willard and Corcoran began investigating the feasibility of training capuchin monkeys as aides for quadriplegics. Their goal was to enable these severely disabled individuals to perform a variety of tasks throughout the day without having to rely on human assistance. By 1984, seven quadriplegics were living and working with simian aides. These individuals had not only achieved greater independence, but they reported a variety of psychological and social changes. Tame, affectionate capuchins pro-

vided companionship and recreation. The quadriplegics' social world expanded as their monkeys attracted strangers and entertained friends. The simian aides seemed to hold a position in their owners' affections somewhere between that of a treasured pet and a human child.

## BACKGROUND ON THE PROBLEM

To live outside of a chronic care institution, a high level quadriplegic requires a minimum of 4 to 6 hours per day of human help. The disabled individual usually receives this help from one or more family members, who must make drastic changes in their own lives to provide it, or from a paid personal care attendant (PCA). The relative or PCA assists with tasks such as bathing, dressing, bowel and bladder routines, household tasks, and transfers into and out of a wheelchair.

In addition to these essential tasks, which are usually performed in the morning and again at night, a quadriplegic needs help to achieve countless small tasks during the course of the day. Putting a book or magazine on a reading stand, placing a cassette into a tap recorder, getting a drink, eating a meal, retrieving a fallen mouthstick, and opening a door are all tasks that require assistance.

Few quadriplegics have families willing or able to provide constant access to help, and fewer still can afford full-time paid attendants. Many simply do without. These individuals are surviving, but the quality of their lives leaves room for a great deal of improvement.

## SIMIAN AIDES

In 1979, after training and working with several monkeys, Willard and Corcoran placed Hellion, a 2-year-old *Cebus albifrons*\* with Robert F., a 23-year-old man who is paralyzed from the shoulders down. Robert lives in his own apartment with the aid of a PCA. His live-in attendant works full time at a nearby hospital and Robert is alone approximately 9 hours per day, 5 days per week.

To communicate his needs to his 6-pound animal aide, Robert aims a small harmless laser pointer at the object he wants her to manipulate. The laser is mounted on the chin control mechanism of his wheelchair. He uses the laser beam plus a verbal command to indicate what the animal is to do with the object. When Hellion has completed a task, Robert rewards her with the release of a food pellet from the dispenser mounted on his wheelchair.

In addition to the tasks illustrated, Hellion can retrieve a fallen mouthstick and place the correct end in Robert's mouth. She can remove a sandwich held in a sandwich holder from the refrigerator and place it on a tray allowing Robert to eat. Should he want a drink, she can place a drink container on the feeding tray, open it, and insert a straw. She can turn lights on or off or use a rag to clean up spills and dust furniture. Because she can move small objects from place to place following a laser beam, Robert can direct Hellion to place selected books on a reading stand or throw waste-papers in the trash. She will come when called and return to her cage, locking the door behind her when given a command to do so.

## TRAINING TECHNIQUES

The training strategies used in teaching Hellion were based upon the principles of behavior modification. Although these basic principles of learning provided a guide, working out the step-by-step procedures for teaching specific tasks involved a considerable amount of trial-and-error. All but two

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behaviors are maintained using reward alone. The exceptional behaviors, returning to the cage and avoiding marked objects and areas, must be performed with 100% reliability and, therefore, are maintained through threat of punishment. Robert can deliver a warning tone or a warning tone and a mild electric shock to the base of Helion's tail if she disobeys these two commands.

## PSYCHOSOCIAL IMPACT

Initially, we were more concerned with the practical aspects of simian aide usage. The 7 placements made over the past 5 years have allowed us to experiment with new behaviors, and with the species, age, and sex of the monkeys. They have also led to equipment refinement and the development of improved training techniques. This work had led us to conclude that simian aides can be cost effective, reliable, and very appropriate helpers for some portion of the quadriplegic population.

Despite our task-oriented focus, it has become increasingly apparent that these animals are providing much more than a means to increase independence. In examining the literature on pet therapy, we found that the psychosocial impact of animals on the aged, imprisoned, and the handicapped has been explored. Observations made on the quadriplegic/simian interactions have convinced us that this partnership represents one of the most unique and dramatic illustrations of the human/animal bonding phenomena.

Numerous studies on the therapeutic uses of pets have documented the psychological changes that can occur with the acquisition of a pet. Lima State Hospital for the Criminally Insane uses pets as catalysts for therapy. This treatment has been effective with depressed, suicidal, and introverted patients. Lee (1982) reports that the pets alleviate loneliness, hopelessness, and boredom, while simultaneously increasing self-esteem and stimulating a less self-focused and a more responsible attitude in the patients. Feldmann (1977) reports that responsibility for the welfare of a pet can help the owner feel significant, nurturing, and needed. Upon receiving her simian aide, a 35-year-old quadriplegic told her sister, "I feel as if I'm getting the child I never thought I'd be able to have."

Fox (1981) and Levison (1970, 1972) have studied the effects of pets on the elderly and found that the major benefits of the pet/owner relationship include companionship, affection, stimulation, and emotional security. Even more so than the elderly, high-level quadriplegics are restricted in the activities they can engage in. Much of their time is spent at home, where rooms are wheelchair accessible, adaptive equipment is set up, and a daily routine of human assistance is provided. Such confinement often leads to isolation and loneliness. The mother of a 27-year-old quadriplegic participant observed.

He was hurt 5 years ago. His friends gradually stopped coming around. There's just his family now, and that monkey. They do everything together. I can't tell you how much she means to him.

The animal aides are working creatures who demand active owners. A quadriplegic must direct, reward, and discipline his monkey many times during the day. Maintaining task performance, dealing with behavior problems, and teaching new tasks are complex skills which require attentiveness, creativity, and problem-solving. This mental and emotional stimulation can help alleviate the boredom and depression associated with isolation and restricted activities.

In a study examining attending care for the disabled, DeJong and Wenker (1979) found that self-management of even a small part of one's personal care was critical to a sense of self-worth and independence. Shontz (1975) found that individuals who control their own life experiences maintain a higher morale than those who feel totally controlled by outside events. A quadriplegic is dependent upon his family and attendants for everything from bowel and bladder care to each bite of food he consumes. It is an unusual person who is comfortable with asking for help 20, 30, or 40 times per day.

Feelings of imposition and helplessness are not part of the monkey/quadruplegic relationship. Controlling a wheelchair-mounted food dispenser gives the quadriplegic power. The monkey is eager to perform, knowing she will be immediately reinforced. Thus the quadriplegic enjoys the role of director and benefactor. All owners have reported playing fetch and reward games with their animal aides. Much as a dog owner might throw a stick for his pet whenever chores are not needed, quadriplegics direct and reward for the fun of it. A part-time attendant for a quadriplegic observed that her employer had less trouble keeping attendants now that she has a simian aide.

Instead of giving us orders for every little thing she'd ask the monkey to do something. It seems to meet some of her needs for control, and it made life a lot easier for us.

## SOCIAL BENEFITS

The difficulty experienced by the disabled in meeting people is well documented (Maribell and Dell-Orto, 1977; Roessler and Bolton, 1978; and Smith-Hanen, 1976). Strangers feel guilty and uncomfortable in the presence of the handicapped (Goffman, 1963) and as a result generally avoid interaction with them. Such avoidance exacerbates the isolation and loneliness suffered by many handicapped people, and may encourage further social withdrawal (Hunt, 1966). Animals give others an acceptable reason to make contact and ease the awkward initial interaction. Each of the 7 participants in this program have spontaneously commented on the effect their monkeys have in attracting others. One quadriplegic said.

Whenever I'm lonely, I go outside with my monkey. Everybody thinks she's beautiful and wants to know all about her.

In a study by J.L. Zazula in 1982, approach behavior toward a quadriplegic with and without his monkey was assessed by measuring the number of people who initiated conversation with the quadriplegic in a public shopping center in the absence of the monkey, only 2 strangers spoke to the quadriplegic within a period of one hour. However, with a monkey seated in his lap, 71 strangers initiated a conversation with the owner within a one-hour period. In fact, Zazula reports that her quadriplegic subject chose whether to bring his monkey on a public excursion or into his front yard, depending on how much attention he felt like receiving that day.

Monkeys not only attract attention, but their presence can minimize the salience of their owner's handicap. With little attention being paid to his paralysis, a quadriplegic is free to express his own individuality. This is no small achievement for someone who must deal each day with other people's prejudices concerning the handicapped.

Most, though not all, relationships are improved by the acquisition of a simian aide. One participant spoke of the mixed and evolving reactions of her 7 part-time attendants.

Two immediately loved H. (the monkey) and thought she was a great help. Three

were neutral but over a period of months have become very attached to her. The sixth attendant did not like her H but now tolerates her, and the seventh person disliked her from day one. She quit.

Simian aides can also contribute to the richness of these on-going relationships. One full time attendant said of his employer.

He is not always the most stimulating person. We just can't have that much in common. But that monkey has kept us together. We talk about her all the time: about the cute things she does and how other people react to her. Whenever anyone calls or stops by, they ask about H. (the monkey). He (my employer) has a million funny stories to tell and people love to hear them.

More than one observer has commented on the obvious pride a quadriplegic takes in his simian aide. Ownership itself is part of the source. They possess something unusual that others want to touch, admire, and play with. Their own expertise is another source of pride. They have become knowledgeable about primate training, care, and personality. Others seek them out, valuing their information and showing genuine interest in their stories.

It is fairly recent medical progress which has permitted the survival of these severely disabled people. As of 1979 there were 75,000 spinal cord injured quadriplegics in the United States, and every year the number grows. Over 80% of those injured are under 40 years of age. In many cases these individuals have a normal life expectancy. Society is just beginning to provide for more than custodial care. Simian Aides are one option which not only helps with daily care, but has profound effects on the quality of their lives as well.

## ACKNOWLEDGMENTS

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#### THE USE OF CAPUCHIN MONKEYS AS AIDES TO QUADRIPLEGICS

##### BACKGROUND ON QUADRIPLEGICS

Recent medical progress has permitted the survival of very severely disabled people who, although totally paralyzed, have normal cognitive and communication skills. In many cases, severely disabled individuals also have a normal life expectancy. The most dramatic example is the high level spinal cord injured quadriplegic who is paralyzed, in varying degrees, from the shoulders down. As of 1979, there were 75,000 spinal cord injured quadriplegics in the United States. Eighty-two percent of them were men and most were young. Fifty percent were between the ages of 15 and 25 at the time of their injury (Nat. Spinal Cord Injury Data Research Center, 1979).

To live outside of a chronic care institution, a high level quadriplegic typically requires a minimum of four to six hours a day of human help. The disabled individual usually receives this help from one or more family members who must make drastic changes in their own lives to provide it, and/or from paid personal care attendants (PCA). The relative or PCA assists with tasks such as bathing, dressing, bowel and bladder routines, household tasks, and transfer into and out of a wheelchair.

In addition to these essential tasks, which are usually performed in the morning and again at night, a high level quadriplegic may require help to perform countless small tasks during the course of a day. Putting a book or magazine on a reading stand, placing a cassette into a tape recorder, getting a drink, eating a meal, retrieving a fallen mouthstick, and opening a door are all tasks that may require assistance.

Few quadriplegics have families that can provide assistance throughout the day, and fewer still can afford full time paid attendants. Many quadriplegics simply do without. These individuals are surviving, but the quality of their lives leaves room for a great deal of improvement.

##### FEASIBILITY OF MONKEY HELPERS

At the age of 18, Robert was paralyzed from the shoulders down as the result of an automobile accident. One year after the accident, Robert began to live independently with the aid of a personal care attendant. His live-in attendant worked full time in a nearby hospital, so Robert remained alone in his apartment approximately nine hours a day, five days a week.

In November of 1979, Robert began to participate in a pilot project to test the feasibility of simian aides. Since then, his helper has been a five pound female capuchin named Hellion. Robert communicates his needs to Hellion by aiming a small harmless laser pointer at the object he wants her to manipulate. The laser is mounted on the chin control mechanism of his wheelchair. Robert points it by gripping a small stock in his teeth. He uses the laser beam plus a verbal command to indicate what Hellion is to do with the object. When Hellion has completed a task, Robert rewards her with both verbal praise and the release of a food pellet from the dispenser mounted on his wheelchair. The pictures which follow depict some of the chores Hellion and other monkeys have been taught to perform.

In addition to those tasks pictured, monkeys can retrieve a fallen mouthstick (an instrument used to turn pages or dial a phone) and place the correct end in their

owner's mouth. They can select a book indicated by the laser beam pointer and position it on a reading stand. They can turn lights on or off, or use a rag to clean up spills. Because they can move small objects from place to place following the laser beam, the owner can direct his monkey to place a TV remote control panel where convenient, or throw wastepapers in the trash. The monkeys will come when called, and return to their cage, locking the door behind them when given a cage command. Robert, for example, has employed five different home attendants but only one monkey. Although his monkey occasionally makes mistakes, her overall task reliability is 94%.

Since 1981, seven additional high level quadriplegics have received simian aides. Each placement has functioned as a mini-experiment as new types of living situations, training techniques, and methods of placement are attempted. Although most quadriplegics use the standard repertoire of tasks described above, behaviors that have been custom trained include repositioning a quadriplegic arm that has fallen off the wheelchair laptray, wiping a quadriplegic's forehead or chin, opening a locked door with a key, changing computer diskettes, and repositioning computer printout paper so that a quadriplegic can flip through the pages with a mouthstick.

##### SPECIES OF MONKEYS

The common name for Cebus monkeys include capuchins or organ grinder monkeys. The genus name is Cebus, and there are four species and 39 subspecies within that genus. Hellion, the first monkey placed, is a Cebus albifrons. Although there was no information in the literature concerning the activity levels of the various species, it now appears that the Cebus albifrons is the most acrobatic and hyperactive of the four.

Observation and/or experience with members of all four species indicates that the Cebus apella is the least active. This phlegmatic temperament is a valuable asset in training, as the lower activity levels lead to a longer attention span. Even more important is the quality of companionship they can provide. Cebus apella will sit quietly in their owner's lap or look out the window for hours at a time.

##### CONTROL OF DESTRUCTIVE BEHAVIOR

Curiosity will lead these monkeys to climb on bookcases and tables, open cabinets, and empty trash cans. They may also get into cleaning supplies or medicine which can be toxic. To keep them from destroying someone's home and protect them from harm, a system was devised to teach them to avoid certain pieces of furniture or areas of the house. White 1-inch circular stickers are pasted on all off-limit objects. Several stickers on the side of a desk, for example, mean the desk and everything on top of the desk cannot be touched.

If a monkey breaks the rule and touches a stickered object, she is given a warning buzz. If she continues to disobey, she is given a buzz plus a .5 second shock to her tail. This buzz/shock unit is a smaller modified version of the buzz/shock collars used in dog training, and is worn on a belt around the monkey's waist. The quadriplegic owner can control it from his/her wheelchair.

Because the shock is intermittently paired with the buzz, the buzz becomes a conditioned aversive stimulus, and by itself acts as a strong deterrent. It is not unusual for some monkeys, once they become familiar with the disabled person's home, to go without shock for 9 months or more. Other monkeys who tend to test the "sticker rule" may need to be reminded with shock once or twice every 1½ to 2 months to maintain the avoidance system.

##### MONKEY AGGRESSION

Even very tame capuchins have been known to attack unfamiliar humans. Within a few months of moving into a home, a monkey will behave toward the household members as if they are part of her troop. The quadriplegic owner generally is at the top of the hierarchy with relatives and attendants each assigned a rank. Visitors and those at the bottom of the hierarchy can never be totally certain as to when the ordinarily playful, affectionate monkey might view them as a threat, and bite.

To eliminate the possibility that any capuchin aide might harm someone, these monkeys undergo a full mouth teeth extraction when they reach maturity (3½ to 4 years of age). This operation has for many years been commonly performed on monkeys used by organ grinders without affecting the animal's diet (monkey chow is softened). All of the monkeys placed through this project have undergone full mouth teeth extractions without any deleterious effects on their health or subsequent behavior, or any perceptible long-term discomfort. Capuchins almost never use their nails as weapons, and in six years, no one has ever been injured by a simian aide.

##### SEX OF MONKEYS

To date only females have been placed with quadriplegics. Males are generally more aggressive during their adolescent years, and until their canines are removed at four years of age, they are potentially dangerous to raise and train. Tame adult males without teeth, however, can be very safe and calm animals. Several will be placed within the next two years.

Females who are easier to deal with during their adolescent years go into heat every 21 days once they reach sexual maturity (about 3½ years of age). During their 2-day heat periods, they are less reliable in performing their tasks and spend much of their time courting their quadriplegic owners or other members of the family. Ovariotomies were performed on two simian aides whose heat periods lasted for more than three weeks at a time. It is expected that this will not become a standard procedure with females whose heat periods are of shorter duration.

##### PSYCHOLOGICAL FACTORS

Although the primary goal of this project is to increase the ability of a quadriplegic to perform the tasks of everyday life, this unusual intervention has had a strong psychological impact on disabled participants.

Most high level quadriplegics lead very restricted lives, often spending weeks at a time within the confines of their homes. An affectionate, responsive and entertaining capuchin can be a very welcome addition to an unstimulating environment. One owner described the monkey's place in her life as somewhere between that of a pet and a child.

In addition, ownership of a monkey conveys a certain status on the recipient. Monkeys outside of zoos are rare. Monkeys who perform chores like small humans and readily play with visitors are even more unusual. Quadriplegics acquiring a monkey aide have reported that overnight they feel as if they became a minic celebrity in their neighborhood. Ownership of a monkey provides an obvious and interesting topic of conversation. It can minimize the discomfort the able bodied feel when relating to the disabled, and allow for the more natural development of friendships. Considering the circumstances in which many quadriplegics find themselves, the importance of these social factors cannot be overestimated. For psychological reasons as well as financial,

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it's fortunate that these monkeys have a life expectancy of 30 years.

#### HELPING HANDS: SIMIAN AIDES FOR THE DISABLED—A SERVICE ORGANIZATION

By 1982 it was clear that functionally and psychologically, simian aides were effective for at least some quadriplegics. Further research was needed to refine the procedures by which they were socialized, trained, and placed, but the basic concept proved to be feasible. A television program showing Robert and his monkey brought in hundreds of phone calls and letters from disabled people interested in obtaining a trained monkey. A nonprofit organization called Helping Hands: Simian Aides for the Disabled was established to meet the goal of providing simian aides to quadriplegics—much like guide dogs are now offered to the blind.

For the first two years, Helping Hands consisted of a small group of volunteers with an annual budget of about \$3,000. In 1984 and 1985, however, fund raising efforts were more successful. What follows is a description of progress made over the past several years.

#### SOURCES OF CEBUS APELLA

A breeding colony of 85 Cebus apella was established in 1984 at a primatological foundation in Florida. Although only 12 monkeys were obtained from the colony in 1985, it is eventually expected to produce 15-30 babies per year. Additional infants have been purchased or donated by laboratories within the U.S. and Argentina.

#### FOSTER HOMES

Trial and error testing has demonstrated that early socialization is essential for the production of affectionate and humanized primates. At four to eight weeks of age monkeys are placed with foster families; people who have volunteered to raise a monkey in their home for a period of 2½ years. Volunteers agree to spend 10 hours a day with their primate babies during the first six months. Foster parents literally carry their babies on their arms as they go about their daily business. Older animals require less intensive contact, but a minimum of four hours each day must still be spent interacting with the monkey outside of its cage. There are currently 38 young monkeys being socialized by volunteers. An additional 55 families have passed the screening process and are awaiting the opportunity to foster animals as they become available. A part time foster care director screens, coordinates and monitors the placements.

#### TRAINERS

During the first semester, students receive course credit for their training experience. Those who have shown the most aptitude are offered part time jobs for two to three years. Students train two hours a day, six days a week. Not only is student labor relatively inexpensive, but students are developmentally well suited to the job demands. They have energy, dedication, and patience, and are often thrilled with the opportunity to train primates. By the time the novelty of the job wears off, many are about to graduate and move on to other types of work.

#### TRAINING

Socialized monkeys, who are at least 2½ years of age, are sent to the Boston University School of Medicine for their training. A standard repertoire of obedience and helping tasks takes about six months to teach. Each behavior is broken down into a series of steps. These steps are described in detail in a training manual and are demonstrated in a series of instructional videotapes. College students with no prior animal training

experience have been successful in following these instructions and have produced sophisticated results. There are currently five monkeys being trained by four students at the Boston University School of Medicine.

#### EVALUATION OF QUADRIPELEGIC CANDIDATES

Evaluation of interested candidates consists of an initial telephone screening interview, followed by a home visit to those who seem most suitable. A videocamera is used to record the details of a quadriplegic's environment, equipment, and physical abilities. Interviews with the disabled person, his attendants, and other household members are also taped. Reviewing the footage back at the laboratory allows an occupational therapist, rehabilitation engineer, psychologist, and monkey trainers to all have input into the decision for placement. Details of the quadriplegic's abilities, physical environment, and his/her equipment allow the engineer to customize equipment used to communicate with the monkey. This information is also important to the trainer, who will use it to teach additional behaviors to the monkey to meet the specific needs of that quadriplegic.

Quadriplegics selected for placement are provided with both a training manual and a simian aide owner's manual. The quadriplegic is expected to master the material, and is required to verbally demonstrate understanding of that material before his/her monkey arrives.

#### PLACEMENT

During the actual placement, a trainer travels to the home of the quadriplegic and works with that individual and his family for three to five days. A support person is hired to come in one hour a day for the next four to six weeks, to help the disabled person drill with his/her monkey. By the end of that period, the monkey's tasks are usually transferred and under the control of the new owner. A complete social adjustment on the part of the monkey and the household members may take up to six months.

#### OTHER PROGRAMS

Although Helping Hands is currently the only service organization in the United States to train and place simian aides, within the past year rehabilitation centers in Israel, Argentina, and Canada have begun their own programs with our assistance. This project has the potential not only to help American quadriplegics, but to serve as a model for similar efforts in other parts of the world.

#### SERVICE DOGS PROVIDE FREEDOM AND FRIENDSHIP

##### CANINE COMPANIONS FOR INDEPENDENCE (By Karen Ter Sarkissoff)

Vaughn Held was a strong, active 19-year-old, rising early to milk the cows and run the equipment on his grandfather's Colorado dairy farm. He was on the track team and planned to go into the service after his May graduation. In July, his promising future took an unexpected turn, when a car suddenly pulled in front of the motorcycle Held was driving. His neck was broken, and he became a C5-6 quadriplegic.

"I was a mess for two years after," recalls Held, "throwing temper tantrums as I came to reality, thinking, 'Ah, geez, I'm never going to be able to do this again.' I was living at my folks' house, doing watercolor painting one day. . . . I remember losing it then. I just broke down and cried. After that, everything turned around. I started getting motivated and thought, 'I'm not just gonna sit here.'"

Held struggled to adjust to his new life-style, determined to grasp what little inde-

pendence remained within his reach. "I had to learn to start all over," he remembers. "I had a really supportive family, I did a lot of rehab, and I worked at getting my head on straight. Being athletically inclined throughout my school years—from peewee football all the way up to track in high school—there's always the competitive edge I had. I guess that's what kept me going: believing that there's always something more to achieve." It was time to get out on his own, and he headed for California to look for a job.

Held learned about the Canine Companions for Independence (CCI), a unique program designed to bring independence to the disabled through the use of specially trained canine partners. These exceptional dogs carry belongings in a backpack, pull wheelchairs up curbs and hills, retrieve dropped items, turn light switches on and off, and even push elevator buttons. Proven working dogs (golden and Labrador retrievers and German shepherds) from the best stock in the United States and Europe are now bred at CCI as service dogs and respond to 89 instructions—not tricks, but commands useful in everyday life. Now 25, Held was determined to get involved and sent in his application to CCI. He would now embark on one of the greatest adventures of his life.

Executive Director Bonita Bergin founded CCI in 1975, after class discussions in her early childhood education/special education master's degree program sparked her interest in the needs of the disabled. Unlike the others, Bergin firmly believed institutionalization was not the answer. While in Asia, she had witnessed the potential for training animals to help disabled people live more independently and was convinced she had to try it in America. Dogs had never been used to assist people with disabilities other than blindness, and Bonnie encountered numerous critics and obstacles.

But, through fierce determination, hard work, and a desire to learn, Bergin tested her idea with the first service dog, a Labrador puppy named Abdul, and Kerry Knaus, a quadriplegic. Knaus learned to control her dog, and Abdul learned how to help Knaus live a more independent life. Today Knaus is an instructor and director of CCI's Southwest Regional Training Center, and thanks to the incredible vision and unfailing dedication of Bergin, Canine Companions for Independence has evolved from its humble beginnings in her Santa Rosa, California, trailer to a program of international scope and worldwide acclaim.

Canine Companions are now available to help people with disabilities caused by traumatic injury, birth defects, illness, or aging. The greatest number of CCI participants have become disabled as a result of neurological injury caused by automobile accidents and sports and industrial injuries. Birth defects like cerebral palsy, muscular dystrophy, and spina bifida are the second greatest cause. Still other participants are disabled from polio, multiple sclerosis, diabetes, stroke, progressive spinal atrophy, or arthritis.

In addition to service dogs, CCI trains signal dogs to work as ears for the deaf and hearing-impaired, literally signalling the presence and position of a noise, whether it be a doorbell, a baby crying, or a smoke alarm. Social dogs are used in hospitals and schools, where they facilitate interaction with the emotionally or intellectually impaired and help break the ice with autistic children and the all-too-often forgotten elderly in convalescent homes. Specialty dogs—a refined combination of the service, signal, and social dog—are presently helping